



<p>Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products), and temporary certificate of inspection. Cut Flower, cut fern.</p>	<p>Mileage and \$25 minimum per inspection. \$10 per acre per crop. Inspection plus mileage, \$25 minimum.</p>	<p>DACS-08214<sup>3</sup>, Phytosanitary Export Certificate, Revised <u>12/03</u> <del>10/99</del>. DACS-08010<sup>3</sup>, Temporary Certificate of Inspection, Revised <u>3/05</u> <del>7/99</del>. DACS-08289<sup>3</sup>, Certificate for Cut Foliage, Flowers &amp; Aquatic Plants, Revised <u>6/05</u> <del>10/99</del>.</p>	<p>Nematode Certification.</p>	<p>Mileage and <u>\$50 per sample</u> <del>\$30</del>.</p>	<p>DACS-08038<sup>3</sup>, Citrus Nursery Stock Inspection Tag, Revised <u>10/03</u> <del>7/99</del>. DACS-08048<sup>3</sup>, Burrowing Nematode Certificate, Revised <u>9/05</u> <del>2/00</del>. DACS-08049<sup>3</sup>, Nematode Certificate of Inspection for Shipping Nursery Stock to California, Revised <u>11/03</u> <del>7/99</del>.</p>
<p>Import inspection for commercial shipments of plants or plant products.</p>	<p>Mileage and \$50 per hour per inspection from time of arrival to departure, \$50 minimum.</p>	<p>DACS-08001<sup>3</sup>, Nursery, Stockdealer &amp; Special Inspection Report, Revised <u>7/05</u> <del>12/99</del>.</p>			<p>DACS-08130<sup>3</sup>, Reniform Nematode Certificate, Revised <u>10/05</u> <del>2/00</del>.</p>
<p>Growing season field inspection of bulbs, seed, vegetable and tobacco transplants.</p>	<p>\$10 per acre per inspection plus mileage, \$25 minimum.</p>	<p>DACS-08159<sup>3</sup>, Growing Season Inspection Report, Revised <u>10/04</u> <del>11/99</del>. DACS-08237<sup>3</sup>, Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del>.</p>			<p>DACS-08254<sup>3</sup>, Nematode Certificate of Inspection for Shipping Nursery Stock to California From Stockdealers, Revised <u>10/04</u> <del>2/00</del>.</p>
<p>Witnessing budwood or graftwood cutting.</p>	<p>Mileage and \$5 per 1000 budeyes cut, \$10 minimum, \$25 maximum.</p>	<p>DACS-08172<sup>3</sup>, Source Tree Bud Cutting Report, Revised <u>7/03</u> <del>10/99</del>. DACS-08111<sup>3</sup>, Certification to Witness Registered Budwood, Revised <u>7/03</u> <del>7/99</del>.</p>	<p>Fumigation Services.</p>	<p>\$150 per fumigation of loads 40 cu. ft. or less, <u>\$350.00</u> <del>\$300.00</del> per fumigation of loads exceeding 40 cu. ft.</p>	<p>DACS-08270<sup>3</sup>, Consolidation Declaration For Florida, Revised <u>11/03</u> <del>12/99</del>. DACS-08207<sup>3</sup>, Request for Fumigation, Revised <u>1/00</u> <del>1/99</del>.</p>
<p>Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).</p>	<p>Mileage and \$25 minimum for first 10,000 square feet of growing unit space or less of additional growing space per inspection.</p>	<p>DACS-08237<sup>3</sup>, Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del>. DACS-08289<sup>3</sup>, Certificate for Cut Foliage, Flowers &amp; Aquatic Plants, Revised <u>6/05</u> <del>8/99</del>.</p>			<p>DACS-08099<sup>3</sup>, Certificate of Treatment, Revised <u>6/03</u> <del>1/00</del>.</p>
		<p>DACS-08290<sup>3</sup>, Tomato/Tobacco Plant Certificate, Revised <u>8/99</u>.</p>	<p>Irradiation treatment.</p>	<p>\$200 minimum, \$500 per hour.</p>	

Special Diagnostic fees Entomology.	\$55 per sample.	DACS-08074 <sup>3</sup> , Entomology Specimen Identification, Revised 11/99.
Disease specimens.	\$55 per sample.	DACS-08079 <sup>3</sup> , Plant Pathology Specimen Report, Revised 1/00.
Lettuce mosaic samples.	\$90 per sample (\$180 if found positive).	
Nematology roots and soil.	\$25 per sample.	DACS-08077 <sup>3</sup> , Nematology Specimen Report, Revised 9/99.
Caribbean fruit fly protocol participation.	\$3.50 per acre per month.	DACS-08161 <sup>3</sup> , Application For Participation, Revised 12/99. DACS-08233 <sup>3</sup> , Caribfly Certification Program-Establishment of McPhail Traps, Revised 12/99.
Grades and standards regarding inspections.	Mileage and \$50 per hour per inspector from time of arrival to departure, \$50 minimum.	DACS-08228 <sup>3</sup> Standards-Regrading Inspection Report, Revised <del>6/05</del> <del>10/99</del> .
Permits for importing regulated organisms.	\$12.50 per species not to exceed \$50 per permit.	DACS-08208 <sup>3</sup> , Application and Permit to Move Regulated Organisms, Revised <del>10/05</del> <del>01/00</del> .

<sup>1</sup>Mileage shall be based on the prevailing state mileage rate.  
<sup>2</sup>There shall be a \$15 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.  
<sup>3</sup>All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

Specific Authority 570.07(23), 581.031(23) FS. Law Implemented 581.031 FS. History—Repromulgated 12-31-74, Amended 6-15-81, 10-28-85, Formerly 5B-2.01, Amended 7-27-86, 5-6-87, 11-19-89, 5-17-92, 11-29-95, 4-9-96, 10-8-96, 6-12-00, 3-31-02, \_\_\_\_\_.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE:  
 Corporate Tax Credit Scholarship Program

RULE NO.:  
 6A-6.0960

PURPOSE AND EFFECT: The purpose of the proposed rule development is to clarify and establish requirements for student and nonprofit scholarship-funding organization participation in a scholarship program for children of families with limited financial resources supported by tax credit contributions from eligible taxpayers. The effect will be a rule which is consistent with requirements set forth in statute for the administration and implementation of the scholarship program as authorized by Section 220.187, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Student and nonprofit scholarship-funding organization eligibility and participation in a scholarship program supported with eligible taxpayer contributions.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 220.187 FS.

LAW IMPLEMENTED: 220.187 FS.

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

TIME AND DATE: 3:00 p.m. – 6:00 p.m., February 17, 2006

PLACE: School Board of Orange County, 445 W. Amelia Street, Conference Rooms A & B, Orlando, FL 32801

TIME AND DATE: 3:00 p.m. – 6:00 p.m., February 20, 2006

PLACE: Nova Southeastern University, Main Campus, 3301 College Avenue, Mailman Building, Hollywood Building, Room 309, Fort Lauderdale, FL 33314-7796

TIME AND DATE: 3:00 p.m. – 6:00 p.m., CST, February 23, 2006

PLACE: Gulf Coast Community College, 5230 Highway 98, W., Student Union East, Second Floor Conference Room, Panama City, Florida 32401

Persons with disabilities who need assistance in order to participate in these workshops may contact Tera Quillen, Office of Independent Education and Parental Choice, Florida Department of Education, 522 Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-0502, at least five business days in advance of the meetings to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

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

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE TITLE: John M. McKay Scholarships for Students with Disabilities Program  
RULE NO.: 6A-6.0970

PURPOSE AND EFFECT: The purpose of the proposed rule development is to clarify and establish specific student, school, school district, and state requirements for eligibility, participation, and administration of the John M. McKay Scholarships for Students with Disabilities Program. The effect will be rules which are consistent with requirements set forth in statute for administration and implementation of the program.

SUBJECT AREA TO BE ADDRESSED: Student and private school program eligibility, development of a matrix of services for transferring students, and administrative requirements for the John M. McKay Scholarships for Students with Disabilities Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1002.39 FS.

LAW IMPLEMENTED: 1002.39 FS.

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Gentles, Executive Director, Office of Independent Education and Parental Choice, Department of Education, 325 West Gaines Street, Room 522, Tallahassee, Florida 32399-0400, (850)245-0502

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

**DEPARTMENT OF EDUCATION**

**Education Practices Commission**

RULE TITLE: Disciplinary Guidelines  
RULE NO.: 6B-11.007

PURPOSE AND EFFECT: The rule outlines the range of penalties to be imposed in disciplinary cases.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 1012.795, 1012.79(7) FS.

LAW IMPLEMENTED: 1012.795, 1012.796 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: Kathleen M. Richards, Executive Director, Education Practices Commission, 325 W. Gaines Street, Room 224, Turlington Building, Tallahassee, Florida 32399-0400

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER TITLE: Contractors – Highway –  
RULE CHAPTER NO.: 14-22

Qualification to Bid  
RULE TITLES: Regulations Covering Qualification of Contractors  
RULE NOS.: 14-22.002

Rating the Applicant  
14-22.003

Notification of Conviction of Contract Crime  
14-22.0042

Period of Validity of Qualification  
14-22.005

Current Capacity Rating  
14-22.006

Eligibility for Obtaining Proposal Documents  
14-22.008

Forms  
14-22.015

PURPOSE AND EFFECT: Rule Chapter 14-22, F.A.C., is being amended to update the requirements of the application process, to clarify the submittal of financial statements, to define accounting terms, and their effect on the Adjusted Net Worth, to establish the work class of Emergency Debris Removal, to clarify the Period of Validity of Qualification, and to clarify the Department’s definition of eligibility for obtaining bid proposal documents, and to update forms.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-22, F.A.C., is being amended and clarified. These amendments include updating the application process, revising definitions,

establishing the work class of Emergency Debris Removal, clarifying the definition of eligibility for obtaining bid proposal documents, and updating forms.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b),(5)(a)1.-3., (7)(b)1.,(c), 337.14, 337.16, 337.165, 337.167 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) Persons or firms who desire to qualify with the Department in order to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file annually with the Department two copies of an application for qualification including audited financial statements as required by this section. For purposes of this rule, "filing" is defined as receipt of the application and audited financial statements by the Contracts Administration Office, MS 55, Room 60, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0455.

(b) A separate application must be submitted for each person, firm, or combination thereof for which qualification is desired.

(c) The applicant must indicate the classes of work for which qualification is sought.

(d) All statements made by the applicant in the application shall be furnished under oath.

(e) The data in the applicant's financial statement must be reflected in the financial sections of the application.

(f) All applications must include the appropriate federal tax reference number.

1. For corporations (including Subchapter S corporations), partnerships, sole proprietorships, joint ventures, limited liability companies, and other entities the appropriate tax reference number is the federal Employer Identification Number (EIN).

2. For individuals the appropriate tax reference number is the Social Security Number (SSN) of the individual.

3. For foreign corporations organized outside the United States, the Department will assign a special identification number.

(g) In the event the Department finds an application is incomplete or contains inadequate or inaccurate information needed for processing of the application, or the Department needs more information to make a decision regarding the applicant's competency, responsibility, or financial resources, the Department shall verbally request or request in writing that the applicant provide the necessary information or the source for verification of the information. If the requested information is not provided within 20 days, of the initial request, the Department shall request the information a second time in writing express delivery, delivery receipt. If the information is not provided within 10 days of receipt of the second request, the application shall be denied.

(h) The Department shall act upon the application for qualification within 30 days after the Department determines that the application is complete.

(2) Financial Statements. Each application shall ~~include~~ include ~~be accompanied by~~ the latest annual audited financial statements including any supplementary information and schedules of the applicant ~~that were~~ completed within the last 12 months. Audited financial statements required to be submitted with the application shall be prepared in accordance with Generally Accepted Accounting Principles (GAAP). If the audited annual financial statements show the financial condition of the applicant more than four months prior to the date on which the application is filed with the Contracts Administration Office, then audited interim financial statements must also be submitted. The audited interim financial statements must cover the period from the ending date of the audited annual statements and must show the financial condition of the applicant no more than four months prior to the date on which the application is filed with the Contracts Administration Office. These annual and interim financial statements must be audited and accompanied by the opinion of a Certified Public Accountant.

(a) An adverse opinion or a disclaimer of an opinion shall result in disapproval of the application. A qualified opinion will result in adjustments to the financial portions of the application if such qualification arises because of the use of an accounting principle at variance with ~~Generally Accepted Accounting Principles (GAAP)~~ or the qualification is of such magnitude as to materially affect the current ratio, liabilities, or the adjusted net worth.

(b) When consolidated financial statements are required by GAAP, and qualification is desired for one or more of the subsidiary companies, a consolidating balance sheet is required and must be included by the Certified Public Accountant. When combined financial statements are allowed by GAAP,

and qualification is desired for one of the combining affiliated entities, a combining balance sheet is required and must be included by the Certified Public Accountant.

1. For those applications described in paragraph (2)(b) above, financial information entered in the Details Relative to Assets and Details Relative to Liabilities sections of the Application for Qualification must be obtained from the consolidating or combining balance sheets, as appropriate, and reflect only those portions of the financial statements relative to the qualifying applicant.

2. Only the financial data of the applicant as shown on the consolidating or combining balance sheets and reflected in the application will be used in determining the applicant's Current Ratio Factor (CRF), Adjusted Net Worth, (ANW), and Maximum Capacity Rating (MCR).

(c) The financial statements shall include, but shall not be restricted to the following basic financial statements:

1. Statements (a. through d.) shown below and the opinion of the certified public accountant on these statements.

- a. A balance sheet.
- b. An income statement.
- c. A statement of retained earnings or changes in stockholders equity.
- d. A statement of cash flows.

2. The Income Statement above shall provide separate totals for "construction revenues", as defined by paragraph 14-22.0011(3)(h), F.A.C., and all revenues earned during the audit period.

3. Notes to financial statements.

4. Supplemental data including a schedule of selling, general and administrative expenses, and a schedule of contracts in progress. A statement of direct (operational) costs and a statement of indirect (general and administrative) costs.

5. Upon written request, such additional financial information necessary for the Department to verify the financial adequacy of the applicant as presented in their financial statements and the opinion of the Certified Public Accountant.

(d) Applicants not qualified with the Department the previous year shall furnish financial statements with each copy of the application form that covers the year preceding the year of the latest annual audited financial statements included in the application. This requirement is not applicable for newly established (in existence less than one year) firms.

(3) List of Equipment. Each major item of equipment owned by the applicant that is utilized in performing the requested classes of work shall be listed in the application with its book or salvage value, make, model, and description shown. Items held under capital lease agreements shall be identified so that the book value of these items can be readily determined. Items required for each class of work may be grouped together, but listed separately. An applicant who desires that the value of the equipment owned be calculated on 50 percent of appraised

value shall provide an additional list which includes an appraisal by a qualified equipment appraiser. For an appraisal to be valid, the appraiser must state that they have personally inspected and/or examined the equipment. Certified statements of availability of equipment from affiliated companies may be used for obtaining classes of work. The same equipment may be used to qualify no more than two affiliated applicants. Letters of commitment from at least two equipment rental companies may be used to obtain certification in classes of work in which the applicant has expertise. The letters of commitment must list the equipment that the applicant intends to lease for the classes of work sought and commit the lessor for the maximum period the applicant is seeking qualification.

(4) Experience Record.

(a) Each application shall include a current list of projects completed within the past three years as prime or subcontractor stating the actual dollar amount of work executed and listing each class of work performed on those projects by the applicant's own employees. The list shall not include work sublet to others or performed with rented equipment and operators. Résumés must be submitted to show construction experience of personnel at superintendent level and above for each class of work for which the applicant is requesting qualification. The same list of personnel shall not be used to qualify more than two affiliated applicants.

(b) Newly established firms, applicants qualifying for the first time and applicants whose Certificate of Qualification has been expired for more than two years shall provide letters of recommendation from at least two agencies or firms with direct knowledge of the applicant's key personnel and work performance in sufficient detail to assist in rating the applicant's ability to perform road and bridge construction and services incidental thereto. The letters must contain specific information regarding the following:

- 1. Specific projects, including project numbers and location.
- 2. Size of projects by dollar value.
- 3. Description of projects and classes of work performed with applicant's own employees and equipment.
- 4. Whether projects were timely completed.
- 5. Whether the applicant was cooperative and facilitated changes to the project when required.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, \_\_\_\_\_.

14-22.003 Rating the Applicant.

(1) Verification of Information. The Department will make such inquiries and investigations as deemed necessary to verify and evaluate whether the applicant is competent, is responsible, and possesses the necessary financial resources to perform the desired work, based upon the following:

(a) Organization and management, including construction experience, and past work performance record of the applicant or applicant’s employees, whether with or prior to their employment by that applicant, including deficiency in quality of completed work, any history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contracts litigation, claims, unpaid bill(s), notices of non-payment filed by subcontractors or suppliers, and defaults in Florida or other states.

(b) Equipment, as shown on the equipment list for the requested classes of work. Adequate equipment shall be basic equipment used by the industry in the normal construction for each class of work or called for in the Standard Specifications for Road and Bridge Construction in force at the time of application.

(c) Integrity, including evaluation of truthfulness of statements in the application and in other contractual documents .

(d) Financial resources, sufficient to establish a Maximum Capacity Rating (MCR) as set forth in subsection (2) below. The Department will consider any other relevant financial information.

(2) MCR.

(a) Definition and Formula. The MCR shall be the total aggregate dollar amount of uncompleted work an applicant may have under contract at any one time as prime contractor and/or subcontractor, regardless of its location and with whom contracted. The MCR shall be established by the Department using the following formula, and consideration of general qualification factors listed in subsection 14-22.0041(1), F.A.C.:

MCR = AF x CRF x ANW, in which

MCR = Maximum Capacity Rating

AF = Ability Factor (determined from the Ability Score as provided below)

CRF = Current Ratio Factor (determined as provided below)

ANW = Adjusted Net Worth (for rating purpose, determined as provided below).

1. Ability Score.

a. New applicants and applicants who have not been qualified under this rule for more than two years shall have their Ability Factor determined from the total Ability Score resulting from evaluations of the applicant’s organization,

management, work experience, and letters of recommendation. The maximum values used in determining the ability score for the above applicants are as follows:

ABILITY SCORE	
	Maximum Value
Organization and Management	
Experience of Principals	15
Experience of Construction Supervisors	15
Work Experience	
Completed Contracts	
Highway and bridge related	25*
Non-highway and bridge related	10
Ongoing Contracts	
Highway and bridge related	25*
Non-highway and bridge related	10
TOTAL	100

\*Maximum value shall be increased to 35 if applicant’s experience is exclusively in highway and bridge construction.

b. If the applicant has been qualified under this rule within the last two years, and the Department has three or more Prime Contractor Past Performance Reports on file for projects completed for the Department within five years of the application filing date which have not been previously used to determine an Ability Score, the applicant’s Ability Score shall be calculated by adding the scores of these reports plus the average score from the previous application and dividing this sum by the number of scores used. Prime Contractor Past Performance Reports shall reflect the applicant’s organization, management, and demonstrated work performance, including work sublet to others, set forth in Form 700-010-25, which is incorporated by reference in Rule 14-22.015, F.A.C.

c. If the applicant has been qualified under this rule within the last two years, and the Department does not have three or more Prime Contractor Past Performance Reports on file for the applicant for projects completed for the Department within five years of the application filing date, then the Ability Factor (AF) from the applicant’s last successful application will be brought forward and used.

d. The average Ability Score determined in a. or b. above is converted to an AF pursuant to subparagraph 14-22.003(2)(a)2., F.A.C., or the AF is brought forward as indicated in c. above. The AF is then used in the formula pursuant to paragraph 14-22.003(2)(a), F.A.C., to compute the applicant’s MCR.

2. Ability Factor. The Ability Score for new and active applicants shall determine the AF as follows:

Ability Score	AF
64 or less	1
65-69	2
70-73	3
74-76	4
77-79	5
80-84	8
85-89	10
90-93	12
94-97	14
98-100	15

a. Notwithstanding the requirements in paragraph 14-22.003(2)(a), and subparagraphs 14-22.003(2)(a)1.a., 1.b., 1.c., 1.d., and subparagraphs 14.22.003(2)(a)2., F.A.C., above, the AF will be limited to a maximum of 4 if the applicant receives an ability score of 76 or less on the initial application, or receives an ability score of 76 or less on two or more Prime Contractor Past Performance Reports on file for projects completed during the 12 month period preceding the applicant's fiscal year ending date for which the Certificate of Qualification is being issued, unless the applicant's average ability score (inclusive of all scores received during the period) is 87 or greater. The use of a surety commitment letter to raise the MCR is prohibited .

b. This AF limitation will remain in effect during the current qualification period.

3. Current Ratio Factor (CRF). The current ratio is the number resulting from dividing the adjusted current assets by the adjusted current liabilities. The actual current ratio from 0.60 up to a maximum of 2.00 will be used as the CRF. For current ratios greater than 2.00, 2.00 will be used as the CRF. The applicant will be denied qualification if its current ratio is less than 0.60.

4. Adjusted Net Worth (ANW). The ANW must be a positive value for the applicant to be considered for qualification. The ANW used in the MCR formula will be the amount of capital and surplus (net worth) as adjusted, as follows:

5. The following adjustments shall be applied in the establishment of the CRF and ANW:

a. Value allowed for equipment shall be the book value, or 50 percent of actual value given by a qualified equipment appraiser, whichever is greater. Equipment appraisals must be dated no earlier than six months prior to receipt of the application.

b. Value allowed for real estate used for business purposes (road, bridge, or public transportation construction) shall be:

(I) The book value or the value given by a qualified real estate appraiser, (real estate appraisals shall be dated no earlier than two years prior to the date the application is filed), less

(II) Encumbrances against same (such encumbrances will not also be deducted elsewhere).

c. No value will be allowed for investments, real estate, or any other property not used in road, bridge, or public transportation construction, and no allowance shall be given for homesteads or personal property.

d. Assets of doubtful value, as more fully defined by GAAP, are recorded transactions that, based upon the known facts and circumstances, do not lead to the realization of value for use in the contractor's operations in the current operating period. These assets shall be eliminated in part or entirely.

e. Contingent liabilities, as more fully defined by GAAP, are debts or obligations that would require the use of the contractor's resources within the current operating period, given that certain events take place in the future. These shall be treated as actual liabilities, wholly or in part, depending on the probability of such liabilities becoming actual liabilities.

f. Patents, organizational expense, non-compete agreements, goodwill, and intangible assets, as defined by GAAP, shall be eliminated entirely.

g. Past due receivables or unexplained receivables, officer and employee receivables, or other related party receivables, unsecured notes receivable, and the interest for these notes shall be eliminated entirely. Subsidiary or affiliate receivables, based upon the known facts and circumstances, that do not lead to the realization of value for use in the contractor's operations shall be eliminated in part or entirely.

h. Prepaid expenses, prepaid taxes and deferred interest shall be eliminated entirely.

i. Leashold improvements and the excess of book value over liabilities for capital lease assets shall be eliminated entirely.

j. Cash surrender value life insurance shall be eliminated entirely.

k. Construction claims included as current assets associated with contracts shall be eliminated entirely.

~~6.5. MCR. The calculated MCR shall be rounded off according to the following scale:~~

Up to \$500,000 – round off to nearest \$10,000

Above \$500,000 to \$2,000,000 – round off to nearest \$25,000

Above \$2,000,000 – round off to nearest \$50,000

(b) Bonding Capacity.

1. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, an applicant qualifying for a positive rating, or a contractor having a current certificate of qualification, has an Ability Score of 80 or higher, and has a Current Ratio Factor of at least 1.00, is eligible to request an increase in ~~shall be allowed to raise~~ its MCR upon receipt of evidence of a current bonding capacity exceeding the calculated MCR from a surety company authorized to do business in Florida. Such evidence shall be in the form of a Surety Commitment Letter and ~~letter of commitment~~ executed

by an officer of the surety who is authorized to bind the surety, with a power of attorney attached. The Surety Commitment Letter must be dated within four months of the request and cover the certification period. The limit for an MCR issued on the basis of such bond commitment for applicants with an Ability Score of 80 through 90 will be determined by the following “Surety Capacity” formula:

$$SC = SM \times MCR \times (CRV \div TRV)$$

In which:

- SC = Surety Capacity
- SM = Surety Multiplier (Determined from Ability Score – Surety Multiplier Table as provided below)
- MCR = Maximum Capacity Rating (Determined as provided in paragraph 14-22.003(2)(a), F.A.C.)
- CRV = Construction Revenues (As set forth in applicant’s financial statements per subparagraph 14-22.002(2)(c)2., F.A.C.)
- TRV = Total Revenues (As set forth in applicant’s financial statements)

Ability Score	Surety Multiplier
80	3.0
81	3.4
82	3.8
83	4.2
84	4.6
85	5.0
86	5.6
87	6.2
88	6.8
89	7.4
90	8.0

2. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, the MCR for firms that have an Ability Score of 91 or greater will be the “Aggregate of Contracts” amount stipulated in the surety commitment letter. An MCR established through the use of a surety commitment letter shall not exceed the “Aggregate of Contracts” amount stipulated in the surety commitment letter.

3. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, use of a surety commitment letter to increase an applicant’s MCR will only be considered if at the time of application the applicant’s CRF is at least 1.00, as defined in subparagraph 14-22.003(2)(a)3., F.A.C., and the applicant has an Ability Score of 80 or higher. No event(s) during the qualification period subsequent to the ending date of the audited financial statements used for qualification will be considered in determining an applicant’s CRF. However, the Department will consider the general

qualification factors listed in subsection 14-22.004(1), F.A.C., in consideration of an increase to the applicant’s MCR through the use of a surety commitment letter.

(3) Classification of Work.

(a) Applicant request for class(es) of work. Applicants shall indicate each class of work for which they desire qualification. The Department will consider qualifying the applicant only in the specific class or classes of work requested.

(b) The major classes of work are as follows:

1. Major Bridges:
  - a. Bridges which include bascule spans.
  - b. Bridges which include curved steel girders.
  - c. Bridges with multi-level roadways.
  - d. Bridges of concrete segmental construction.
  - e. Bridges which include steel truss construction.
  - f. Bridges which include cable stayed construction.
  - g. Bridges of conventional construction which are over a water opening of 1,000 feet or more.

h. Cast-in-place post-tensioned superstructures.

2. Intermediate Bridges are bridges that contain none of the types of construction listed under Major Bridges and span lengths exceeding 50 feet (center to center of cap).

3. Minor Bridges are bridges with span lengths not exceeding 50 feet (center to center of cap) and total length not exceeding 300 feet. A Minor Bridge shall not contain any type of construction listed under Major Bridges or Intermediate Bridges.

4. Bascule Bridge Rehabilitation.
5. Grading (includes clearing and grubbing, excavation, and embankment).
6. Drainage (includes all storm drains, pipe culverts, culverts, etc.).

7. Flexible Paving (includes limerock, shell base and other optional base courses, soil-cement base, mixed-in-place bituminous paving, bituminous surface treatments and stabilizing).

8. Portland Cement Concrete Roadway Paving.
9. Hot Plant-Mix Bituminous (includes structural and surface courses).

(c) Specialty classes of work are as follows:

1. Electrical work (includes roadway, bridge, and runway lighting).
2. Fencing.
3. Guardrail.
4. Grassing, Seeding, and Sodding.
5. Landscaping.
6. Traffic Signals.
7. Computerized Traffic Control Systems.
8. Bridge Painting.

9. Pavement Markings (includes delineators, traffic stripe painting, and thermoplastics).

10. Roadway Signing.

(d) Such other classes of work not normally performed by road and bridge contractors as the applicant may request.

(e) For the Work Class of Emergency Debris Removal, the contractor(s) shall complete the Application for Qualification for Emergency Debris Removal, DOT Form 375-020-37, Rev. 1/06, incorporated herein by reference. The Application for Qualification shall be accompanied by a Reviewed Financial Statement prepared in accordance with GAAP.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), (5)(a)1.-3., (7)(b)1., (c), 337.14, 337.167 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, \_\_\_\_\_.

14-22.0042 Notification of Conviction of Contract Crime.

(1) A contractor who is currently qualified or seeking to be qualified shall notify the Contracts Administration Office in writing within 30 days after the filing of a criminal Information, an Indictment, or the conviction of a contract crime applicable to the contractor, or any affiliates, officers, directors, executives, shareholders active in management, employees, or agents of the contractor.

(2) Whenever the Department has reason to believe that a contractor or their affiliate, who is currently qualified or seeking qualification, has been convicted of a contract crime or is affiliated with a person or contractor so convicted, the Department may issue a written demand upon the contractor or affiliate to appear for sworn testimony, to answer written interrogatories, or to produce documents or other tangible evidence for inspection or copying.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.62, 337.164, 337.165(5), (6) FS. History—New 8-25-83, Amended 10-1-85, Formerly 14-22.042, Amended 12-20-89, 1-4-94, \_\_\_\_\_.

14-22.005 Period of Validity of Qualification.

(1) The applicant's period of qualification shall be 18 months from the ending date represented by the audited annual financial statements included in the application. For good cause, the Department will approve a period of qualification less than 18 months. Good cause shall mean as defined in Rule 14-22.0141, F.A.C. An applicant must submit a new application 30 days prior to the expiration of its current Certificate of Qualification to ensure no interruption in its qualification to bid. The Certificate of Qualification shall expire no later than the expiration date of the certificate, regardless of whether or not a hearing has been requested concerning the Department's action on the application. Submission of an application shall not affect expiration of the Certificate of Qualification.

(2) Qualified applicants in good standing shall be notified of the impending deadline date for submittal of their application for qualification at least 45 days prior to that date. Failure of notification shall not affect the deadline date for submittal of applications for qualification.

(3) Qualified entities shall submit a new application with financial statements as required by subsection 14-22.002(2), F.A.C., within four (4) months from the date that a change of ownership or incorporation of a non-incorporated firm occurs. Also, a new application shall may be required whenever the Department has reason to believe that the position of a qualified entity is less favorable than at the time of its last application or a subsequent event that is material and adversely affects the financial position of the entity.

(4) A qualified entity need not submit a new application solely because of any change in the officers or the name of a corporation, but such information shall be certified to the Department within 10 days of such events.

(5) A qualified entity shall notify the Department in writing within 10 days of the decrease in its available surety performance bond credit amount.

(6) A Certificate of Qualification shall not be issued to an applicant or affiliate that is insolvent.

(7) A qualified entity or applicant or affiliate shall notify the Contracts Administration Office in writing upon the filing of a bankruptcy petition. The notice shall be received by the Contracts Administration Office within 10 days of the initial filing.

(8) A qualified entity, upon written request from the Department (stating the reasons for this request), shall submit updated or other additional financial information necessary for the Department to verify the financial adequacy of the qualified entity during the period of validity of qualification.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(7), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.05, Amended 12-20-89, 1-4-94, 6-27-04, \_\_\_\_\_.

14-22.006 Current Capacity Rating.

(1) The Certificate of Qualification shall establish an entity's Maximum Capacity Rating which will be reduced by the total value of their current uncompleted work, regardless of its location and with whom it may be contracted, to determine their bidding capacity at any particular time. This bidding capacity shall be called Current Capacity.

(2) In determining the Current Capacity of a prospective bidder, the deduction for uncompleted work shall include work subcontracted from others. The bidder will be given credit for work sublet to others; provided, for contracts with the Department, the request for authorization to sublet the work has been approved in writing. The Department, in determining the bidder's eligibility to be issued a bid proposal, will decrease a bidder's uncompleted work by deducting ten

percent per month from the “Status of Contracts on Hand” report in the Certification of Current Capacity form submitted with the bidder’s most recent bid or the uncompleted work listed in the bidders’s Application for Qualification, whichever is most current, which will increase the Current Capacity accordingly.

(3) In order for the Department to have the information required to determine a bidder’s Current Capacity, it is necessary that the bidder submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. 05/05, that shall be executed under oath. This form must be included in the at least one bid for the first letting in the calendar month that the bidder submits a bid ~~each letting bid upon~~. Failure to submit this document ~~shall may~~ result in a determination that all bids submitted by the bidder for that letting are disqualified non-responsive or irregular and are rejected, pursuant to Rule 14-22.009, F.A.C. not to be considered. The Department shall include the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 with the proposal documents issued to the bidder.

(4) In preparing the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 the following shall apply:

(a) If the letting is not later than the 25th day of the month, the certification and report shall reflect the uncompleted work as of the 15th day of the month preceding the month of the letting.

(b) If the letting is after the 25th day of the month, the certificate and report shall reflect the uncompleted work in progress as of the 15th day of the month of the letting.

(c) In determining a bidder’s Current Capacity, any projects in a prior letting pending award by the Department to such bidder also shall be debited against the bidder’s Current Capacity unless the award is to be delayed for an indefinite period of time. Further, no credit shall be given for proposed subcontracting of any work included in such proposal pending award.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b),(5)(a)1.-3.,(7)(b)1.,(c), 337.14, 337.164 FS. History—Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, \_\_\_\_\_.

14-22.008 Eligibility for Obtaining Proposal Documents.

(1) Proposal documents for a specific project~~(s)~~ shall be issued only to a prospective bidder who has a Current Capacity equal to or larger than the budgeted contract amount and a Certificate of Qualification, which expires on or after the date proposals are to be received, covering one or more classes of work, as identified in paragraph 14-22.003(3)(b), F.A.C., which, in the aggregate, comprise 50 percent or more of the

percentage of the Department’s budget estimate of the major classes of work in the specific contract total value of normal work included in the proposal documents.

(2) If the Department’s budget estimate for a specific project has a majority of percentage of speciality classes of work, as identified in paragraph 14-22.003(3)(c), F.A.C., then a contractor must be qualified in 50 percent or more of the percentage of the Department’s budget estimate for the total classes of all work in the specific project. The term “normal work” as used herein means all work in the contract not designated in the proposal document or the Specifications as Specialty Work.

(3) In determining whether a contractor shall receive proposal documents, the Department will automatically credit all contractors as being qualified in 50 percent of the Maintenance of Traffic percentage of the Department’s budget estimate for a specific project.

~~(4)(3)~~ The term “Current Capacity” as used herein is as defined in subsection 14-22.006(1), F.A.C.

~~(5)(4)~~ Eligibility for obtaining proposal documents shall have no effect on determination of the Current Capacity.

~~(6)(5)~~ A qualified bidder will be issued proposal documents for any number of projects, provided the estimated contract amount of any individual project requested does not exceed their Current Capacity. Except for the provisions of sub-subparagraph 14-22.003(2)(a)2.a., F.A.C., above, qualified firms that desire to bid a project which exceeds their Current Capacity, whose CRF was at least 1.00 based on the financial statements used for current qualification, and that have an Ability Score of 80 or higher, will be allowed to bid that specific project if the firm furnishes a commitment letter from a surety company, authorized to do business in Florida, that the project amount does not exceed the firm’s Surety Capacity as established by subparagraph 14-22.003(2)(b)1., F.A.C. Issuance of proposal documents by the Department will be subject to payment of applicable costs by the qualified bidder.

~~(7)(6)~~ The bid shall be signed by the owner for sole proprietorships; partner(s) authorized to bind the entity for a partnership; the president or vice president for corporations; and for limited liability companies an authorized executing official. Bids submitted by a joint venture shall be signed by the authorized executing officials of the business entities comprising the joint venture and the attorney-in-fact for the joint venture.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3.,(7)(b)1.,(c), 337.14 FS. History—Formerly Chapter 14-8, Amended 7-1-68, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, Formerly 14-22.08, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, \_\_\_\_\_.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	<u>01/06</u> <del>12/98</del>	Application for Qualification
375-020-22	05/05	Certification of Current Capacity
700-010-25	<u>09/05</u> <del>11/03</del>	Contractor Past Performance Report
<u>375-020-37</u>	<u>1/06</u>	<u>Application for Qualification for Emergency Debris Removal</u>

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History—New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 12-18-05, \_\_\_\_\_

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

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

**PUBLIC SERVICE COMMISSION**

UNDOCKETED

RULE TITLE: Use of Accumulated Provision Accounts

RULE NO.: 25-6.0143

228.1, 228.2 and 228.4

PURPOSE AND EFFECT: To provide guidance to investor-owned electric utilities for determining the types of storm damage restoration costs that can be charged to Account No. 228.1.

SUBJECT AREA TO BE ADDRESSED: Recovery of costs associated with storm damage.

SPECIFIC AUTHORITY: 366.05(1) FS.

LAW IMPLEMENTED: 350.115, 366.04(2)(a), 366.05(1) FS.

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

TIME AND DATE: 9:30 a.m., March 10, 2006

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Marlene K. Stern, Office of General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0862, (850)413-6230

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0143 Use of Accumulated Provision Accounts 228.1, 228.2, and 228.4.

(1) Account No. 228.1 Accumulated Provision for Property Insurance.

(a) No change.

(b) Except as provided in subsection (1)(e), cCharges to this account shall be made for all occurrences in accordance with the schedule of risks to be covered which are not covered by insurance. Recoveries or reimbursements for losses charged to this account shall be credited to the account.

(c) A separate subaccount, Account No. 228.199, Accumulated Provision for Storm Damage, shall be established for that portion of Account No. 228.1 which is designated to cover storm-related damages to the utility’s own property or property leased from others that is not covered by insurance.

(d) In determining the costs to be charged to Account No. 228.199, the utility shall use an Incremental Cost and Capitalization Approach methodology (ICCA). Under the ICCA methodology, the costs charged to Account No. 228.199 shall exclude those costs that normally would be charged to non-cost recovery clause operating expenses in the absence of a storm. In addition, capital expenditures for the removal, retirement and replacement of damaged facilities charged to Account 228.199 shall exclude the normal cost for the removal, retirement and replacement of those facilities in the absence of a storm. The utility shall notify the Director of the Commission’s Division of Economic Regulation in writing and provide a schedule of the amounts charged to Account No. 228.199 for each incident exceeding \$10 million.

(e) All costs charged to Account 228.199 are subject to review for prudence and reasonableness by the Commission. Under the ICCA methodology for determining the allowable costs to be charged, however, the following costs are expressly prohibited from being charged to Account No. 228.199:

1. Base rate recoverable regular payroll and regular payroll-related costs for utility managerial and non-managerial personnel;

2. Bonuses or any other special compensation for utility personnel not eligible for overtime pay;

3. Base rate recoverable depreciation expenses and insurance costs for utility-owned or utility-leased vehicles and aircraft;

- 4. Utility employee assistance costs;
- 5. Utility employee training costs;
- 6. Utility advertising, media relations or public relations costs;
- 7. Utility call center and customer service costs;
- 8. Utility lost revenues from services not provided;
- 9. Costs of back-fill work or catch-up work for activities not directly related to storm damage restoration activities; and
- 10. Replenishment of the utility's materials and supplies inventories.

(f) A utility may, at its own option, charge storm-related costs as operating expenses rather than charging them to Account No. 228.199. The utility shall notify the Director of the Commission's Division of Economic Regulation in writing and provide a schedule of the amounts charged to operating expenses for each incident exceeding \$5 million.

(g) If the charges to Account No. 228.199 exceed the account balance, the excess shall be carried as a debit balance in Account No. 228.199 and no request for a deferral of the excess or for the establishment of a regulatory asset is necessary.

(h) A utility may petition the Commission for the recovery of a debit balance in Account No. 228.199 through a surcharge. The amount requested for recovery through the surcharge shall not exceed the amount of the debit balance in Account No. 228.199.

(i) If a utility receives reimbursement from another utility for expenses incurred in providing storm damage restoration assistance to another utility, the utility shall credit Account No. 228.199 for the costs that normally would be charged to operating expenses in the absence of providing storm damage restoration assistance.

(j) A utility shall not establish a new annual accrual amount or a new target accumulated balance amount for Account No. 228.199 without prior Commission approval.

(k) Each utility shall file a Storm Damage Self-Insurance Reserve Study (Study) with the Division of the Commission Clerk and Administrative Services by January 15, 2011, and at least once every 5 years thereafter from the submission date of the previously filed study unless otherwise required by the Commission. A Study shall be filed whenever the utility is seeking a change to either the target accumulated balance or the annual accrual amount for Account No. 228.199. At a minimum, the Study shall include data for determining a target balance for, and the annual accrual amount to, Account No. 228.199.

(l) Each utility shall file a report with the Director of the Commission's Division of Economic Regulation providing information concerning its efforts to obtain commercial insurance for its transmission and distribution facilities and any other programs or proposals that were considered. The report shall also include a summary of the amounts recorded in

Account 228.199. The report shall be filed annually by February 15 of each year for information pertaining to the previous calendar year.

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

(b) If a utility elects to use any of the above listed accumulated provision accounts, each and every loss or cost which is covered by the account shall be charged to that account and shall not be charged directly to expenses except as provided for in subsection (1)(e). Charges shall be made to accumulated provision accounts regardless of the balance in those accounts.

(c) No change.

Specific Authority 366.05(1) FS. Law Implemented 350.115, 366.04(2)(a), 366.05(1) FS. History--New 3-17-88, Amended \_\_\_\_\_.

**LAND AND WATER ADJUDICATORY COMMISSION  
Pioneer Community Development District**

RULE CHAPTER TITLE:	RULE CHAPTER NO.:
Pioneer Community Development District	42BBB-1
RULE TITLES:	RULE NOS.:
Establishment	42BBB-1.001
Boundary	42BBB-1.002
Supervisors	42BBB-1.003

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Pioneer Community Development District ("District"), pursuant to Chapter 190, F.S. The petition filed by MHK of Volusia County, Inc., requests the Commission establish a community development district located within the City of Port Orange, Volusia County, Florida. A Notice of Receipt of Petition for the Pioneer Community Development District was published in the July 15, 2005, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 1,238.2 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed District is located generally north of Pioneer Trail, east of Highway 415 and south of Dunlawton Avenue. There are no parcels located within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner either owns or has written consent to establish the District from the landowners of one hundred percent (100%) of the real property located within the proposed District. The development plan for the lands within the proposed District includes the construction of approximately 1,300 residential units of single family detached and multi-family units as well as 25 acres of commercial mixed use. The District, if established, currently intends to participate in the provision of certain infrastructure improvements including clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, facilities for outdoor cultural and recreational uses, and sodding/grassing. Master infrastructure also includes a community recreation center. Also included will be stormwater management facilities

consisting of treatment ponds, outfalls, land to construct the retention and compensating storage areas, and wetland mitigation to serve the District in accordance with the permitting agencies.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Pioneer Community Development District.

SPECIFIC AUTHORITY: 190.005 FS.

LAW IMPLEMENTED: 190.004, 190.005 FS.

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

TIME AND DATE: 2:00 p.m. – 4:00 p.m., Monday, February 20, 2006

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

Any person requiring a special accommodation to participate in the workshop because of a disability should contact Barbara Leighty, (850)487-1884, at least two (2) business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, (850)222-7500 or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE CHAPTER TITLE: Pari-Mutuel Facility Slot

RULE CHAPTER NO.: 61D-14

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

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: the method of applying for a slot machine license, technical requirements and qualifications for licenses, procedures to test and technically evaluate slot machines, verifying and accounting for revenues, auditing, collection of taxes and fees, procedures for bond, procedures regarding maintenance of records, 85% minimum payout, minimum security standards, approval process for facilities based computer systems, monthly reports, occupational licensing, renewal of occupational licenses, occupational

license fees, fingerprint rules, posting of signage, office space requirements, the compulsive gambling program, or any other rules required for the implementation of Chapter 551, Florida Statutes.

The division will receive comments on the issues listed above. Participants should be prepared to discuss whether the rules for slot machine operations originally drafted by Broward County adequately address issues required by the statutory rule criteria contained in Chapter 551, Florida Statutes, or otherwise what are the best practices for the required rules.

While these rules are currently being noticed as Chapter 61D-14, F.A.C., there may ultimately be a need to utilize other rule number chapters to adequately accommodate these rules.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

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

TIME AND DATES: 9:00 a.m. – 4:00 p.m., February 21-22, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE CHAPTER TITLE: Pari-Mutuel Facility Slot Machine

RULE CHAPTER NO.: 61D-15

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to reporting of slot machine activities conducted at a pari-mutuel wagering facility.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are creation of all forms utilized by the division in its rules regulating slot machine operations at a pari-mutuel wagering facility.

While these rules are currently being noticed as rule Chapter 61D-15, F.A.C., there may ultimately be a need to utilize other rule number chapters to adequately accommodate these rules and other rules noticed under rule Chapter 61D-14, F.A.C.

SPECIFIC AUTHORITY: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

LAW IMPLEMENTED: 551.103, 551.104, 551.106, 551.114, 551.118, 551.145 FS.

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

TIME AND DATES: 9:00 a.m. – 4:00 p.m., February 21-22, 2006

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

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, (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Education**

RULE TITLES:	RULE NOS.:
Purpose and Scope	63B-1.001
Educational and Vocational Programming	63B-1.002
Program Evaluation	63B-1.003

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements relating to educational and career-related programming and evaluation.

SUBJECT AREA TO BE ADDRESSED: Standards governing educational and career-related programming.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.315 FS.

LAW IMPLEMENTED: 985.31, 985.315 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, February 21, 2006

PLACE: DJJ Residential Services, Southern Region Office, 1756 North Congress Ave., Ste. 101, West Palm Beach, Florida  
TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, February 22, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, February 23, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: [clyde.benedix@djj.state.fl.us](mailto:clyde.benedix@djj.state.fl.us)

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Residential Services**

RULE TITLE:	RULE NO.:
Quarterly Inspection and Evaluation Standards	63E-2.023

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.309(8), Florida Statutes, by which the department will evaluate and inspect state, county or municipal boot camp programs.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for boot camp programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.309(8) FS.

LAW IMPLEMENTED: 985.309(8) FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, February 21, 2006

PLACE: DJJ Residential Services, Southern Region Office, 1756 North Congress Ave., Ste. 101, West Palm Beach, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, February 22, 2006

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TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, February 23, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Residential Services**

RULE TITLES:	RULE NOS.:
Purpose and Scope	63E-3.001
Program Guidelines	63E-3.002
Program Monitoring and Evaluation	63E-3.003
Construction	63E-3.004
HIV Testing	63E-3.005
Research Projects	63E-3.006

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.31, Florida Statutes, by which the department will establish program guidelines, standards and requirements for serious or habitual juvenile offender programs.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for serious or habitual juvenile offender programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.31 FS.

LAW IMPLEMENTED: 985.31 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, February 21, 2006

PLACE: DJJ Residential Services, Southern Region Office, 1756 North Congress Ave., Ste. 101, West Palm Beach, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, February 22, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, February 23, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Residential Services**

RULE TITLES:	RULE NOS.:
Purpose and Scope	63E-4.001
Program Guidelines	63E-4.002
Program Monitoring and Evaluation	63E-4.003
Quality Assurance Standards for Mental Health and Substance Abuse	63E-4.004
Construction	63E-4.005
HIV Testing	63E-4.006
Research Projects	63E-4.007

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.311, Florida Statutes, by which the department will establish program guidelines, standards and requirements for intensive residential treatment programs for offenders less than 13 years of age.

SUBJECT AREA TO BE ADDRESSED: Standards and requirements for intensive residential treatment programs for offenders less than 13 years of age.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.311 FS.

LAW IMPLEMENTED: 985.311 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, February 21, 2006

PLACE: DJJ Residential Services, Southern Region Office, 1756 North Congress Ave., Ste. 101, West Palm Beach, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Wednesday, February 22, 2006

PLACE: DJJ Residential Services, Central Region Office, 4524 Oak Fair Blvd., Ste. 200, Tampa, Florida

TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, February 23, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Residential Services**

RULE TITLES:	RULE NOS.:
Purpose and Scope	63E-5.001
Program Goals	63E-5.002
Program Services	63E-5.003
Performance Data and Reporting	63E-5.004
Inspection, Evaluation and Monitoring	63E-5.005

PURPOSE AND EFFECT: The proposed rule is intended to implement standards and requirements described in Section 985.308, Florida Statutes, by which the department will establish program standards and quality assurance monitoring for juvenile sexual offender commitment programs.

SUBJECT AREA TO BE ADDRESSED: Standards and monitoring for juvenile sexual offender commitment programs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.308 FS.

LAW IMPLEMENTED: 985.308 FS.

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

TIME AND DATE: 1:00 p.m. – 3:00 p.m., Tuesday, February 21, 2006

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TIME AND DATE: 10:00 a.m. – 12:00 Noon, Thursday, February 23, 2006

PLACE: DJJ Headquarters, Knight Building, Room 108, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF JUVENILE JUSTICE**

**Division of Medical**

RULE TITLES:	RULE NOS.:
Testing	63M-1.001
Confidentiality	63M-1.002

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements relating to accessibility of testing results for human immunodeficiency virus in specified commitment programs.

SUBJECT AREA TO BE ADDRESSED: Standards governing access to test results for human immunodeficiency virus.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.31, 985.311 FS.

LAW IMPLEMENTED: 985.31, 985.311 FS.

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

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THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 104, Tallahassee, FL 32399-3100, e-mail: clyde.benedix@djj.state.fl.us

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE TITLE:	RULE NO.:
Retired Status Fee	64B3-9.0051

PURPOSE AND EFFECT: The Board proposes a new rule to provide language regarding retired license status fees.

SUBJECT AREA TO BE ADDRESSED: Retired license status fee.

SPECIFIC AUTHORITY: 456.025, 483.805(4) FS.

LAW IMPLEMENTED: 456.025, 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS, Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-9.0051 Retired Status Fee.

The fee for retired status is \$50.

Specific Authority 456.025, 483.805(4) FS. Law Implemented 456.025, 456.036 FS. History--New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE TITLE: RULE NO.:

Formulary of Topical Ocular 64B13-18.002  
Pharmaceutical Agents

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule to add new pharmaceutical agents.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the

following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (4) No change.
- (5) NON-STEROIDAL AND STEROIDAL ANTI-INFLAMMATORY AGENTS
- (a) through (l) No change.
- (m) Bromfenac 0.09%
- (n) Nopafenac 0.1%
- (o) Brimonidine tartrate 0.1%
- (6) through (9) No change.

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE TITLE: RULE NO.:

Citations 64B14-7.004

PURPOSE AND EFFECT: The Board proposes to provide a citation penalty for failure to comply with new Rule 64B14-2.013, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 456.072, 456.077 FS.

LAW IMPLEMENTED: 456.072, 456.077 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-7.004 Citations.

Pursuant to Section 456.077, F.S., the Board designates the following as citation violations:

- (1) through (7) No change.
- (8) Failure to pay a one time assessment fee assessed pursuant to Rule 64B14-2.013, F.A.C., in a timely manner: a fine of \$500.00 and payment of the assessment.

Specific Authority 456.072, 456.077 FS. Law Implemented 456.072, 456.077 FS. History--New 7-1-98, Amended 3-19-02, 10-24-04, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Physical Therapy Practice**

RULE TITLE: Continuing Education  
 RULE NO.: 64B17-9.001  
 PURPOSE AND EFFECT: The Board proposes to add a subsection to address continuing education credit hours earned by taking and passing the Florida laws and rules examination.  
 SUBJECT AREA TO BE ADDRESSED: Continuing Education.  
 SPECIFIC AUTHORITY: 486.025 FS.  
 LAW IMPLEMENTED: 456.013(6), 486.109(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 IS: Susan Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B17-9.001 Continuing Education.

(1) Every person licensed pursuant to Chapter 486, Florida Statutes, shall be required to complete twenty-four contact hours of continuing education courses approved by the Board in the twenty-four months preceding each biennial renewal period as established by the Department. However, applicants who become licensed in the second half of the biennium are exempt from this continuing education requirement for their first renewal.

(2) through (5) No change.

(6) The Board approves for continuing education credit:

(a) through (e) No change

(f) Licensees who take and pass the Florida laws and rules examination shall receive two (2) hours of continuing education per biennium. The continuing education credit shall be awarded only for the biennium in which the examination was taken and passed. Continuing education credit shall not be awarded to licensees that take and pass the examination as a result of a disciplinary proceeding or as a board ordered condition of initial licensure, re-activation or reinstatement.

(7) through (8) No change.

Specific Authority 486.025 FS. Law Implemented 456.013(6), 486.109(2) FS. History–New 4-6-92, Formerly 21MM-9.001, Amended 3-7-94, Formerly 61F11-9.001, Amended 12-5-95, Formerly 59Y-9.001, Amended 2-14-02, 4-21-02, 1-2-03, 6-28-04,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLES: Retired Status Fee  
 RULE NOS.: 64B24-3.017  
 Application Fees 64B24-3.002  
 PURPOSE AND EFFECT: To update the rules.  
 SUBJECT AREA TO BE ADDRESSED: Retired Status Fee.  
 SPECIFIC AUTHORITY: 456.036(15), 467.005, 467.0135 FS.  
 LAW IMPLEMENTED: 456.036(4), 467.0135(4) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE IS:

64B24-3.017 Retired Status Fee.

The retired status fee shall be \$50.00.

Specific Authority 456.036(15), 467.005 FS. Law Implemented 456.036(4) FS. History–New \_\_\_\_\_.

64B24-3.002 Application Fees.

~~(1) The application fee shall be \$200.~~

~~(2) The fee for a retired status license shall be \$50.~~

Specific Authority 467.005, 467.0135 FS. Law Implemented 456.036(4), 467.0135(4) FS. History–New 1-26-94, Formerly 61E8-3.002, Amended 8-15-95, Formerly 59DD-3.002, Amended 12-23-97, 11-9-05,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE CHAPTER TITLE: Renewal, Inactive Status, Retired Status and Reactivation  
 RULE CHAPTER NO.: 64B24-5  
 RULE TITLE: Retired Status License  
 RULE NO.: 64B24-5.004  
 PURPOSE AND EFFECT: To create a new rule addressing retired status licensees.  
 SUBJECT AREA TO BE ADDRESSED: Retired Status License.  
 SPECIFIC AUTHORITY: 456.036(15), 467.005 FS.  
 LAW IMPLEMENTED: 456.036(2),(4),(8),(12) FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

**RENEWAL, INACTIVE STATUS, RETIRED STATUS AND REACTIVATION**

**64B24-5.004 Retired Status License.**

(1) A licensee may place an active or inactive license in retired status at any time. If the license is placed in retired status at the time of renewal, the licensee shall pay the retired status fee provided in Rule Chapter 64B24-3, F.A.C. If the license is placed in retired status at any time other than at the time of license renewal, the licensee shall also pay the change of status processing fee as required by Chapter 64B24-3, F.A.C.

(2) A licensee may reactivate a retired status license by:

(a) Paying the renewal fee for an active status licensee for each biennial licensure period in which the licensee was in retired status and the reactivation fee as established in Rule Chapter 64B24-3, F.A.C.;

(b) Demonstrating satisfaction of the continuing education requirements established in Rule 64B24-6.001, F.A.C. for each licensure biennial period in which the licensee was in retired status.

(3) For a license in retired status over five years, the licensee also must:

(a) Retake and pass the examination designated in Rule 64B24-2.003, F.A.C.;

(b) Successfully complete the four-month pre-licensure course required of endorsement applicants by Rule 64B24-4.010, F.A.C.; and

(c) Submit a written plan for the management of emergencies as provided in Rule 64B24-2.003, F.A.C.

Specific Authority 456.036(15), 467.005 FS. Law Implemented 456.036(2),(4),(8),(12) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE TITLE: Responsibilities of Midwives During the Antepartum Period  
RULE NO.: 64B24-7.007

PURPOSE AND EFFECT: To update the rule.  
SUBJECT AREA TO BE ADDRESSED: Responsibilities of Midwives During the Antepartum Period.  
SPECIFIC AUTHORITY: 456.004(5), 467.005 FS.  
LAW IMPLEMENTED: 467.015 FS.

nIF 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, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3250

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses  
RULE NO.: 64B32-6.004

PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education courses.

SUBJECT AREA TO BE ADDRESSED: Procedures for approval of attendance at continuing education courses.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361(2) FS.

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

TIME AND DATE: 8:30 a.m., April 7, 2006

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

Pursuant to the provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this meeting are asked to advise the Board at least five business days prior to the meeting by contacting, Board Call Center, (850)488-0595. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Family Safety and Preservation Program**  
RULE TITLE: Dispute Resolutions and Appeals  
RULE NO.: 65C-16.008

**PURPOSE AND EFFECT:** The purpose of this rule development is to repeal a Rule provision which, pursuant to Department of Children and Family Services v. I.B. and D.B., 891 So.2d 1168 (1st DCA 2005), is already invalid.

**SUBJECT AREA TO BE ADDRESSED:** This rule draft will delete the prohibition against adoptive applicants appealing the department's decision regarding the selection of an adoptive home for a particular child.

**SPECIFIC AUTHORITY:** 120.57, 120.68, 409.145 FS.

**LAW IMPLEMENTED:** 120.68, 409.145 FS.

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

**TIME AND DATE:** 10:00 a.m. – 11:00 a.m., Friday, February 24, 2006

**PLACE:** Building 4, 1317 Winewood Blvd., Tallahassee, FL  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Kim Grosdidier, Building 6, 1317 Winewood Blvd., Tallahassee, FL 32399, (850)922-5055

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

65C-16.008 Dispute Resolutions and Appeals.

(1) No change.

~~(2) Adoptive applicants do not have the right to appeal the department's decision on the selection of an adoptive home for a particular child.~~

Specific Authority 120.57, 120.68, 409.145 FS. Law Implemented 120.68, 409.145 FS. History—New 5-20-91, Formerly 10M-8.00514, Amended 4-19-94, 7-18-95, Formerly 10M-8.0054, Amended 8-19-03, \_\_\_\_\_.

**FLORIDA HOUSING FINANCE CORPORATION**

**RULE CHAPTER TITLE:** Homeownership Pool Program **RULE CHAPTER NO.:** 67-57

**PURPOSE AND EFFECT:** The purpose of this rule chapter is to establish procedures for the Homeownership Pool (HOP) Program by which the Corporation shall administer the application process, determine loan amounts, service loans, and provide purchase assistance to eligible homebuyers under the HOME Investment Partnerships Program (HOME).

**SUBJECT AREA TO BE ADDRESSED:** The Rule Development Workshop will be held to receive comments and suggestions from interested persons. Access to the meeting will also be available via teleconferencing.

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

**TIME AND DATE:** 10:00 a.m. – 12:00 Noon, Tuesday, February 21, 2006

**PLACE:** Florida Housing Finance Corporation, Seltzer Conference Room, 227 North Bronough Street, Tallahassee, FL 32301, Teleconference Number 1(800)416-4254

Any person requiring special accommodation because of a disability or physical impairment should contact Bridget Warring at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** Bridget Warring, Homeownership Loan Program Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

<b>RULE TITLES:</b>	<b>RULE NOS.:</b>
Reasonableness of Benefits in Relation to Premiums	69O-149.005
Actuarial Memorandum	69O-149.006
Annual Rate Certification (ARC) Filing Procedures	69O-149.007

**PURPOSE AND EFFECT:** To interpret, clarify and implement the related statutes for Reasonableness of Benefits in Relation to Premiums; ARC filing procedures; and to require the experience exhibit in the actuarial memorandum be in an Excel document.

**SUBJECT AREA TO BE ADDRESSED:** Reasonableness of Benefits in Relation to Premiums; Actuarial Memorandum; and Annual Rate Certification (ARC) Filing Procedures.

**SPECIFIC AUTHORITY:** 624.308, 627.410(6)(d),(e) FS.

**LAW IMPLEMENTED:** 626.9541(1), 627.410, 627.411(1)(a),(e), 627.9175 FS.

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

**TIME AND DATE:** 9:30 a.m., February 20, 2006

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

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Linda Ziegler, Life and Health Product Review, Office of Insurance Regulation, e-mail: linda.ziegler@fldfs.com

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE TITLE: Forms Incorporated by Reference  
 RULE NO.: 690-203.210  
 PURPOSE AND EFFECT: Adopts the form for the Annual Report of the Discount Medical Plan Organization (DMPO).  
 SUBJECT AREA TO BE ADDRESSED: Adoption of the Annual Report of the DMPO form.  
 SPECIFIC AUTHORITY: 624.424(1)(c), 636.232 FS.  
 LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 9:30 a.m., February 22, 2006  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida  
 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed below.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Annie Wang, Life and Health Financial Oversight, Office of Insurance Regulation, e-mail: annie.wang@fldfs.com  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II  
 Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

RULE CHAPTER TITLE: Entomology – Pest Control  
 REGULATIONS: 5E-14  
 RULE TITLES: Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms  
 RESPONSIBILITIES AND DUTIES – RECORDS, REPORTS, ADVERTISING, APPLICATIONS: 5E-14.142  
 PURPOSE, EFFECT AND SUMMARY: The purpose and effect of the proposed rule is to add amendments to the rule establishing requirements for contracts offered by pest control companies to homeowners upon treatment of properties for wood destroying organisms.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No SOERC has been prepared.  
 Any person who wishes to provide information regarding the SOERC or to provide a proposal for a lower cost alternative must do so in writing within 21 days of this notice.  
 SPECIFIC AUTHORITY: 482.051, 482.226 FS.  
 LAW IMPLEMENTED: 482.051, 482.226 FS.  
 A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:  
 TIME AND DATE: 10:00 a.m. – conclusion, March 2, 2006  
 PLACE: 1911 S. W. 34th Street, Doyle Conner Building Auditorium, Division of Plant Industry, Department of Agriculture and Consumer Services, Gainesville, FL 32614, (352)372-3505  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Steven Dwinell, Assistant Director, Department of Agriculture and Consumer Services, Room 130, 3125 Conner Blvd., Tallahassee, FL 32399-1650

THE FULL TEXT OF THE PROPOSED RULES IS:

5E-14.105 Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms.

(1) No change.

(2) Such contract, except as provided in paragraph (3) of this section, or an exact facsimile thereof must be given to the property owner or his authorized agent for acceptance or rejection before any portion of the work is done and before payment, in part or in full, is received by the licensee. The contract shall clearly set forth the following information:

(a) through (d) No change.

(e) The complete common name(s) of the wood-destroying organism(s) to be controlled or for which preventive treatment is intended under the contract. Any contract issued after the effective date of this amendment for the treatment or prevention of termites must clearly state on the first page if the contract covers subterranean termites, dry wood termites, or both. If Formosan termites (Coptotermes formosanus) are to be excluded from coverage, this species must be named as excluded.

(f) through (k) No change.

(3) ~~It~~ Contracts covering treatments for the prevention of subterranean termites for new construction, ~~it~~ shall clearly set forth that should subterranean termite infestation occur to the structure treated during the warranty period, additional treatment shall be performed to control the infestation. The warranty shall show either the date of initial or final treatment and shall be issued to the property owner or agent within 30 days of the date of initial or final treatment, whichever is specified on the contract, and shall be for a period no less than one year from date of treatment specified on the contract. The property owner at the time of each renewal, if a previous