

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF LEGAL AFFAIRS

RULE NO.: RULE TITLE:
 2-37.010 Attorney Services

PURPOSE AND EFFECT: The Department intends to incorporate the revised form entitled "Office of the Attorney General Attachment A for Private Attorney Services" into the rule.

SUBJECT AREA TO BE ADDRESSED: The current form entitled "Office of the Attorney General Attachment A for Private Attorney Services" has been revised and the revised form is being incorporated by reference into the rule.

SPECIFIC AUTHORITY: 287.059 FS.

LAW IMPLEMENTED: 16.015, 287.059 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry Daugherty, Government Analyst, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

2-37.010 Attorney Services.

(1) No change.

(2) All contracts for private attorney services shall contain an addendum entitled "Office of the Attorney General Attachment A for Private Attorney Services," Form OAG-002, (rev. 4/2006), effective _____, (rev. 9/2001), effective ~~12-17-01~~, which is hereby incorporated by reference.

(3) Copies of the forms may be obtained from the General Legal Division, Office of the Attorney General, The Capitol, PL-01, Tallahassee, Florida 32399-1050, or from the following web sites: myfloridalegal.com/aglink or myfloridalegal.com/outside.html.

Specific Authority 287.059 FS. Law Implemented 16.015, 287.059 FS. History—New 10-7-90, Formerly 2-1.013, Amended 7-12-93, 10-29-97, 5-18-00, 6-5-01, 12-17-01, _____.

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."

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: RULE TITLE:
 19B-4.005 Maximum Account Balance Limit

PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan Maximum Account Balance Limit.

SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.

LAW IMPLEMENTED: 1009.98, 1009.81 FS.

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

DATE AND TIME: May 8, 2006, 2:00 p.m.

PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2006 ~~2004~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The redemption value of an advance payment contract plus the account balance of an account in the Florida College Investment Plan, for the same beneficiary shall not exceed the maximum account balance limit.

(2) through (3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 11-27-02, Amended 12-28-03,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.003
RULE TITLE: Participation Agreement
PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.
SUBJECT AREA TO BE ADDRESSED: The Florida College Investment Plan Participation Agreement Form.
SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.81(2) FS.

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

DATE AND TIME: May 8, 2006, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.003 Participation Agreement

(1) The contract between the Board and a benefactor shall consist of the benefactor’s completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 2006~~5~~-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History–New 11-27-02, Amended 12-28-04, 6-2-05,_____.

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE NO.: 19B-16.005
RULE TITLE: Maximum Account Balance Limit
PURPOSE AND EFFECT: To update the reference to the College Cost and Financial Aid Handbook.
SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program Maximum Account Balance Limit.
SPECIFIC AUTHORITY: 1009.971(1), (4), (6) FS.
LAW IMPLEMENTED: 1009.98, 1009.81 FS.

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

DATE AND TIME: May 8, 2006, 2:00 p.m.
PLACE: Suite 210, Hermitage Building, 1801 Hermitage Boulevard, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-16.005 Maximum Account Balance Limit.

(1) The maximum account balance limit shall be determined annually by the Board. The maximum account balance limit shall be calculated by multiplying the qualified higher education expenses, including tuition fees, room and board, and supplies, at the most expensive eligible educational institution, as reported in College Cost and Financial Aid Handbook 2006 ~~2004~~, published by the College Board, by seven (7), and rounding the resulting product downward to the nearest \$1,000.00 increment. The maximum account balance limit shall not exceed the amount permitted pursuant to s. 529 of the Internal Revenue Code. The Board will publish the amount of the maximum account balance limit annually in the Florida Administrative Weekly. The account balance for a designated beneficiary plus the redemption value of an advance payment contract under the Florida Prepaid College Plan for the same beneficiary shall not exceed the account balance limit. However, accounts for a designated beneficiary that have reached the maximum account balance limit may continue to accrue investment earnings. The redemption value of an advance payment contact shall be as provided in subsection 19B-4.005(2), F.A.C.

(2) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98, 1009.981 FS. History–New 5-30-02, Amended 11-27-02, 12-28-03,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.504
RULE TITLE: Criteria for Assignment to Staff Housing

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to add the position of licensed practical nurse to the list of priority assignments for staff housing.

SUBJECT AREA TO BE ADDRESSED: Staff housing assignments.

SPECIFIC AUTHORITY: 20.213, 944.09, 945.025 FS.

LAW IMPLEMENTED: 20.315, 944.09, 945.025 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.504 Criteria for Assignment to Staff Housing.

The warden shall assign staff housing based upon the best interests of the institution and the following:

(1) Houses, Apartments and Mobile Homes.

(a) To the extent that houses, apartments and mobile homes are available, certain priority staff of a major institution shall be required to live at the institution of their assignment so that emergencies can be resolved with a minimum of delay. An institution with insufficient housing for its priority staff may be allocated such housing at a nearby institution by the Regional Director. The following priority staff are listed in the order of priority by which the assignment of at least one employee in each category shall be considered by the warden. The warden also has authority to recommend that these personnel live off the grounds. Only the Secretary may alter these priorities based upon proof of an employee's significant personal hardship or in the best interests of the Department.

1. Warden.
2. Assistant Warden.
3. Chief of Security.
4. Licensed Medical Representative, who is either a Physician, Clinical Associate, ~~or~~ Registered Nurse, or Licensed Practical Nurse.
5. Maintenance Representative, who is qualified to respond to varied maintenance emergencies.
6. Fire Chief or Firefighter Supervisor, where such position is authorized.
7. Senior or Supervising Chaplain.

(b) through (5) No change.

SECTION 1 ASSAULT, BATTERY, THREATS, AND DISRESPECT

1-1 through 1-5 No change.

1-6	<u>1-6 Lewd or lascivious exhibition by intentionally masturbating, intentionally exposing genitals in a lewd or lascivious manner, or intentionally committing any other sexual act in the presence of the victim that does not involve physical or sexual contact with the victim</u>	60 DC + 90 GT
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SECTION 2 RIOTS, STRIKES, MUTINOUS ACTS AND DISTURBANCES

2-1 through 2-2 No change.

Specific Authority 20.315, 944.09(1), 945.025(1) FS. Law Implemented 20.315, 944.09(1), 945.025(1) FS. History—New 9-1-88, Amended 9-5-89, Formerly 33-26.004, 33-602.504, Amended 8-16-00, 4-8-02, 1-19-03, 3-30-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.314	RULE TITLE: Rules of Prohibited Conduct and Penalties for Infractions
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PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide more specific disciplinary charges for situations previously addressed by more general charges.

SUBJECT AREA TO BE ADDRESSED: Inmate disciplinary infractions.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.14, 944.279, 944.28 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.314 Rules of Prohibited Conduct and Penalties for Infractions.

The following table shows established maximum penalties for the indicated offenses. As used in the table, “DC” means the maximum number of days of disciplinary confinement that may be imposed and “GT” means the maximum number of days of gain time that may be taken. Any portion of either penalty may be applied.

Maximum
Disciplinary
Actions

2-3 ~~Creating, p~~Participating in, or inciting a minor disturbance
30 DC + 60 GT

2-4 No change.

SECTION 3 through SECTION 9 – No change.

SECTION 10 – COMMUNITY RELEASE PROGRAM VIOLATIONS – WORK RELEASE, STUDY RELEASE, FURLOUGH AND VOLUNTEER SERVICE

10-1 through 10-7 No change.

10-8 Failure to repay advancement of monies as

10 DC + 15 DC

Stipulated in the inmate’s financial plan

SECTION 11 – No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 944.09, 944.14, 944.279, 944.28 FS. History–New 3-12-84, Amended 1-10-85, Formerly 33-22.12, Amended 12-30-86, 9-7-89, 11-22-90, 6-2-94, 10-01-95, 3-24-97, 7-9-98, 8-13-98, Formerly 33-22.012, Amended 9-30-99, 6-7-00, 4-18-02, 10-10-04, 1-9-05, 4-17-05, 6-5-05, 10-27-05, _____.

DEPARTMENT OF CORRECTIONS

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

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to set forth requirements regarding: contract work release centers; use of electronic data systems; provision of orientation; work hours and travel time; transportation; subsistence payments; advance of funds; and collection of unpaid advancements.

SUBJECT AREA TO BE ADDRESSED: Community work release.

SPECIFIC AUTHORITY: 945.091 FS.

LAW IMPLEMENTED: 945.091 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) Definitions.

(a) through (h) No change.

(i) Work Release Inmate Monitoring System (WRIMS) –

A web site application used by work release facility staff to record information related to an inmate’s participation in community work release.

(2) Inmate Conduct While on Community Release.

(a) During the inmate orientation process, which shall occur within three days of arrival at a community work release center, inmates will be instructed of the following conduct

requirements. Upon completion of the orientation program, the inmate shall be given a Certificate of Orientation, Form DC6-126. Form DC6-126 is incorporated in subsection (16) of this rule.

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

2. through 9. No change.

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

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

(c) No change.

(d) The work release center classification officer or contract facility counselor shall complete a Personalized Program Plan for Work Release Centers, Form DC6-118A, on all inmates assigned to the work release center within 14 days of receipt of the inmate at the center. Form DC6-118A is incorporated by reference in subsection (16) of this rule. The completed personalized program plan shall be signed by the inmate, the classification officer and the correctional officer major or the facility counselor and facility director at contract facilities. Once the personalized program plan is signed, it shall be given to the staff member assigned to work with the inmate. Any changes in the personalized program plan shall be discussed with the inmate and shall be documented on Form DC6-118B, Personalized Program Plan – Modification Plan. Form DC6-118B is incorporated by reference in subsection (16) of this rule. The inmate’s progress towards achieving the goals of the personalized program plan shall be reviewed bi-weekly with the inmate. The outcome of each review shall be documented on Form DC6-118C, Personalized Program Plan – Biweekly Progress Review or shall be entered into WRIMS at those facilities at which the system is operational. A copy of the Personalized Program Plan shall be printed form

WRIMS and given to the inmate. Form DC6-118C is incorporated by reference in subsection (16) of this rule. Staff are authorized to schedule subsequent progress reviews upon request of the inmate.

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

(3) through (6) No change.

(7) Employment.

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

(b) through (e) No change.

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

(g) through (i) No change.

(j) Facility personnel shall visit the inmate's place of employment for new employers within the first five ~~working~~ days to verify employment. Documentation of on-site employment verification shall be placed in the inmate's file by utilizing Form DC6-125, Employment Contacts, or shall be entered into WRIMS at those facilities at which the system is operational. Form DC6-125 is incorporated by reference in subsection (16) of this rule.

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

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

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

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

(8) No change.

(9) Transportation.

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

1. through 3. No change.

4. Bicycling; ~~or~~

5. Walking;

6. Center van transportation at contract work release facilities.

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

(10) Disbursement of Earnings.

(a) No change.

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

(c) No change.

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

1. No change.

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

(e) through (h) No change.

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

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

1.2. No change.

~~2.3-~~ No change.

3. Transportation costs at contract work release facilities as stipulated by the vendor contract.

4. No change.

(j) through (l) No change.

(11) No change.

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

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

(a) through (e) No change.

(14) Program Facilities.

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

(b) through (16) No change.

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

FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

Twin Creeks Community Development District

RULE CHAPTER NO.: 42DDD-1
 RULE CHAPTER TITLE: Twin Creeks Community Development District

RULE NOS.: 42DDD-1.001
 42DDD-1.002
 42DDD-1.003
 RULE TITLES: Establishment
 Boundary
 Supervisors

PURPOSE AND EFFECT: The purpose of this proposed rule is to establish a community development district ("CDD"), the Twin Creeks Community Development District ("District"), pursuant to Chapter 190, F.S. The petition (amended during the February 13, 2006, local public hearing) filed by Eh/Transeastern, LLC, requests the Commission establish a community development district located within St. Johns County, Florida. A Notice of Receipt of Petition for the Twin Creeks Community Development District was published in the January 27, 2006, edition of the Florida Administrative Weekly. The land area proposed to be served by the District comprises approximately 3,050 acres. A general location map is contained as Exhibit 1 to the petition, as amended, to establish the District. The site is generally located south of Durbin Creek, west of U.S. 1, east of Interstate 95, and on both sides of County Road 210 in St. Johns County, Florida. There are no parcels within the external boundaries of the proposed District which are to be excluded from the District. The Petitioner has obtained written consent to establish the District from the landowners of one hundred percent (100%) of the non-governmental real property located within the proposed District. The development plan for the proposed lands within the District includes the construction of approximately 5,000 units of single family detached units, single family attached units, multi-family housing along with 900,000 square feet of commercial mixed and 2,000,000 square feet of flexible industrial use space. Additional development plans include a 175 room hotel and a multiplex movie center. The District, if established, plans to finance certain master infrastructure improvements within the District boundaries. The improvements include complete construction of the basic infrastructure connecting and serving neighborhoods, including but not limited to: clearing, earthwork, water, sewer, and reclaimed utilities, internal roadways, 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 permitting agencies. Other District improvements include school facilities and substantial off-site improvements related to County Road 210 and US 1. All of the land in the proposed District is part of the Twin Creeks Development of Regional Impact.

SUBJECT AREA TO BE ADDRESSED: Establishment of the Twin Creeks 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 DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, A WORKSHOP WILL NOT BE HELD):

DATE AND TIME: Monday, May 15, 2006, 2:00 p.m.

PLACE: Room 1802M, 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, Telephone (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, Telephone (850)487-1884

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001 RULE TITLE: Percentage of Gross Pilotage Assessed

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

SUBJECT AREA TO BE ADDRESSED: Percentage of gross pilotage.

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 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: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-12.005 RULE TITLE: Active Renewal Fee

PURPOSE AND EFFECT: The Board proposes to increase the active renewal fee to \$325.

SUBJECT AREA TO BE ADDRESSED: Renewal fees for active nursing home administrators.

SPECIFIC AUTHORITY: 468.1685(1) FS.

LAW IMPLEMENTED: 468.1715 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B10-12.005 Active Renewal Fee.

The fee for active renewal of a nursing home administrator license is ~~\$325~~ ~~\$250~~.

Specific Authority 468.1685(1) FS. Law Implemented 468.1715 FS. History—New 12-26-79, Amended 7-3-84, Formerly 21Z-12.05, Amended 1-22-90, Formerly 21Z-12.005, 61G12-12.005, 59T-12.005, Amended 2-26-02, 8-17-05,_____.

DEPARTMENT OF HEALTH

Board of Nursing Home Administrators

RULE NO.: 64B10-14.004 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

PURPOSE AND EFFECT: The Board proposes to amend this Rule to incorporate new grounds of discipline for licensees being terminated from a treatment program.

SUBJECT AREA TO BE ADDRESSED: Disciplinary matters. SPECIFIC AUTHORITY: 456.072(1)(gg), 456.073(3), 468.1685(1) FS.

LAW IMPLEMENTED: 456.072(1)(gg), 456.073(3) FS.
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

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

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-503.004
 RULE TITLE: Retired Status License
 PURPOSE AND EFFECT: To create a new rule to implement legislative changes to Section 456.036, Florida Statutes.
 SUBJECT AREA TO BE ADDRESSED: Retired Status License

SPECIFIC AUTHORITY: 456.036(15), 490.004(4) 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, IF AVAILABLE, IS: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

FISH AND WILDLIFE CONSERVATION COMMISSION

RULE CHAPTER NO.: 68-1
 RULE CHAPTER TITLE: General Provisions
 RULE NO.: 68-1.004
 RULE TITLE: Standards

PURPOSE AND EFFECT: The purpose of the proposed rule is to create standards to guide Commission rulemaking relating to fishing and hunting. The effect of the new rule is to inform the public as to the principles behind the Commission's rules to safeguard Florida's fish and wildlife resources.

SUBJECT AREA TO BE ADDRESSED: The subject to be addressed is standards guiding the Commission's rulemaking relating to fishing and hunting.

SPECIFIC AUTHORITY: Art. IV, Sec. 9, Florida Constitution.
 LAW IMPLEMENTED: Art. IV, Sec. 9, Florida Constitution.
 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 calendar days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James V. Antista, General Counsel, Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-1764

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68-1.004 Standards.

The Fish and Wildlife Conservation Commission adopts the following standards to guide rulemaking relating to hunting and fishing:

(1) The paramount objective of rulemaking relating to hunting and fishing shall be the management of the fish and wildlife resources of this state for their long-term well-being and for the benefit of all the people.

(2) Rulemaking shall be based upon the best information available, including biological, sociological, economic, cultural, historical and other information deemed relevant by the Commission.

(3) The biological basis for rulemaking should include but not be limited to stock assessments, biological surveys, management plans, or other science-based studies or information.

(4) With respect to harvested populations, rulemaking should permit reasonable means and quantities of harvest, consistent with optimum sustainable populations. Optimum sustainable populations shall mean the highest degree of population productivity within available habitat to sustain fish and wildlife for the long term use or enjoyment of all the people.

(5) When possible and practicable, populations will be managed as a biological unit. A biological unit shall mean a species or subspecies of fish or wildlife within their dependent habitat or ecosystem.

(6) Conservation and management decisions shall be derived through processes which are fair and accessible to all the people of the state and which are consistent with the procedures in Rule 68-1.001, F.A.C.

(7) When applicable, federal fish and wildlife management plans and management plans of other states or interstate commissions should be considered when developing state hunting and fishing rules.

(8) This rule shall apply to rules and rule amendments relating to hunting and fishing proposed after July 1, 2006.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History-New

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: RULE TITLES:

690-143.041 Definitions
690-143.042 Custody Agreement; Requirements

PURPOSE AND EFFECT: To allow insurers to utilize modern systems for holding and transferring securities without physical delivery of securities certificates.

SUBJECT AREA TO BE ADDRESSED: Insurer Assets.

SPECIFIC AUTHORITY: 624.308(1), 628.511(4) FS.

LAW IMPLEMENTED: 624.307(1), 625.55, 628.511 FS.

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

DATE AND TIME: May 12, 2006, 9:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Steve Szygula, Product and Casualty Financial Oversight, Office of Insurance Regulation, E-mail: steve.szygula@fldfs.com

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

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

**Section II
Proposed Rules**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5M-3	Best Management Practices (Bmps) for Citrus, Cow/calf, Dairies and Other Agriculture in the Lake Okeechobee Priority Basins (S-191, S-154, S65 D and E)

RULE NOS.:	RULE TITLES:
5M-3.001	Purpose
5M-3.002	Definitions
5M-3.003	Approved Best Management Practices
5M-3.004	Notice of Intent to Implement
5M-3.005	Presumption of Compliance
5M-3.006	Land Application of Animal Wastes
5M-3.007	Record Keeping
5M-3.008	Land Use Changes
5M-3.009	Preservation of Authority

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

SUMMARY: The rule establishes a procedure for submitting a "Notice of Intent to Implement," that, when filed with the Florida Department of Agriculture and Consumer Services (FDACS), and implemented, provides a presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S. for those pollutants addressed by the practices. Once filed with FDACS, the Notice of Intent shall enable the applicant to apply for assistance with implementation as identified in Section 403.067(7)(c)2., F.S. This rule also provides that records maintained by the applicant confirming implementation of non-regulatory and incentive-based programs are subject to FDACS inspection.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

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

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

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

DATE AND TIME: May 15, 2006, 1:00 p.m.

PLACE: Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy Conference Room, Magnolia Center, 1203 Governors Square Blvd., Ste. 200, Tallahassee, FL 32301

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Clegg Hooks, Environmental Administrator, Office of Agricultural Water Policy, 1203 Governor's Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or FAX (850)617-1701

THE FULL TEXT OF THE PROPOSED RULES IS:

BEST MANAGEMENT PRACTICES (BMPS) FOR AGRICULTURE IN THE LAKE OKEECHOBEE WATERSHED CITRUS, COW/CALF, DAIRIES AND OTHER PRIORITY BASINS (S-191, S-154, S65 D AND E)

5M-3.001 Purpose.

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

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

5M-3.002 Definitions.

(1) "Agricultural Nutrient Management Assessment and Plan" ("ANMAP") means a site-specific plan establishing the rates at which nutrients containing materials (~~manure, litter, waste bedding and process wastewater~~) can be land applied so as to meet crop nutrient needs while minimizing the amount of

pollutant discharged to waters of the State. The ANMAP shall include site-specific Best Management Practices to address all relevant operation and maintenance activities. The ANMAP shall be consistent with the United States Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) Field Office Technical Guide and the USDA's Comprehensive Nutrient Management Planning Technical Guidance (CNMP) located in Part 600.5 of the National Planning Procedures Handbook Amendment 4, which may be viewed or copied by going to <http://www.floridaagwaterpolicy.com/links.html>, <http://www.nrcs.usda.gov/programs/afp/> or obtained from USDA/NRCS, P. O. Box 141510, 2614 N.W. 43rd Street, Gainesville, FL 32614-1510.

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

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

~~(4) "Buy-out Dairy Property" means property where one or more cows are kept and from which a part or all of the milk or milk product(s) is provided, sold, or offered for sale to a milk plant, transfer station, or receiving station, and a "high intensity use area", as defined by the Florida Department of Environmental Protection (FDEP) through Rule 62-670.200, F.A.C., dated December 26, 1996, have ceased operations.~~

~~(4)(5) "Certified Technical Service Provider" ("CTSP")~~ means an individual, or an entity or public agency having an employee or employees who meet the minimum NRCS criteria for providing technical service for conservation planning or a specific conservation practice or system. The minimum criteria for providing technical service are ~~is~~ outlined in 7 CFR Part 652, subpart B, effective November 20, 2002. Individuals who meet the minimum NRCS criteria must be approved and certified by the USDA/NRCS State Conservationist and placed on the approved list to provide technical service to program participants or to the Department.

~~(5)(6) "Conservation Plan" means:~~

(a) a record of the landowner's decisions and supporting information for treatment of a unit of land or water as a result of the planning process that is consistent with the ~~meets~~ Field Office Technical Guide (FOTG) quality criteria for each natural resource (soil, water, air, plants, and animals) and takes into account economic, ~~and~~ social, and site specific considerations. The plan must be consistent developed in accordance ~~in accordance~~ with the United States Department of Agriculture/Natural Resources Conservation Service (USDA/NRCS) National Planning Procedures Handbook Amendment 4 and approved by USDA/NRCS, and shall specify the schedule of operations and land activities needed to solve identified natural resource problems. ~~The needs of the~~

landowner, the resources, and federal, state and local requirements must be met. The National Planning Procedures Handbook Amendment 4 may be viewed or copied by going to <http://www.floridaagwaterpolicy.com/links.html>, http://policy.nres.usda.gov/scripts/lpsis.dhl/H/H_180_600.htm or obtained from USDA/NRCS, P. O. Box 141510, 2614 N. W. 43rd St., Gainesville, FL 32614-1510; or (b) for those landowners otherwise not eligible for USDA/NRCS cost-share programs, or where a Conservation Plan to a Resource Management System (RMS) level can not be obtained, an alternative plan may be approved by the Department. Where justified, based on site specific considerations, the alternative plan may vary from the guidance provided in paragraphs 5M-3.004(3)(a) through (d), F.A.C. During plan development the Department shall consult with the Florida Department of Environmental Protection (DEP) to ensure that the plan is supported by sufficient scientific justification that water resource protection equivalent to a USDA/NRCS Conservation Plan will be provided.

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

(7)(8) “Nutrient Management Plan” means a component of a site specific Conservation Plan that is designed and applied according to the USDA/NRCS conservation practice standard included in Section IV, Code 590 Nutrient Management, of the FOTG/eFOTG ~~Efotg~~. Nutrient Management Plans specify the amount, placement, form, and timing of the application of nutrients including manure and animal by-products, and soil amendments. Nutrient Management Plans are applicable to all lands where plant nutrients and soil amendments are applied. The Nutrient Management section of the FOTG/eFOTG ~~Efotg~~, Code 590, Conservation Practice Standard may be viewed or copied by going to http://www.floridaagwaterpolicy.com/PDFs/Conservation_Prac_Standard590.pdf, <ftp://ftp.ftw.nres.usda.gov/pub/nhep/pdf/590.pdf>.

(8) “Lake Okeechobee Watershed” means Lake Okeechobee and the area surrounding and tributary to Lake Okeechobee, composed of the surrounding hydrologic basins, as defined in Section 373.4595(2)(i), F.S.

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

5M-3.003 Approved Best Management Practices.

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

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

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

(3) The document titled Water Quality/Quantity Best Management Practices for Florida Vegetable and Agronomic Crops (2005 Edition) is hereby incorporated and adopted by reference in this rule for participating vegetable and agronomic crop growers in the Lake Okeechobee watershed as defined in subsection 5M-3.002(8), F.A.C. Copies of the document may be obtained from the local county University of Florida Cooperative Extension Service office or from the Florida Department of Agriculture and Consumer Services (FDACS), Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301.

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

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

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

5M-3.004 Notice of Intent to Implement.

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

(1) Such notice shall identify those practices from the approved best management practices listed in Rule 5M-3.003, F.A.C., the applicant intends to implement. The notice shall

also include the date of submittal; the name of the property owner; the location of the property(ies); the property tax ID number(s); a timeline for implementation, the gross acreage on which each practice will be implemented; the name and contact information for an authorized representative; and the signature of the owner, leaseholder, or authorized agent.

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

(3) All landowners who submit a Notice of Intent (NOI) must implement the nutrient management component of the applicable Best Management Practices upon NOI submittal. Where phosphate (P2O5) is intended to be applied the nutrient management component of the applicable Best Management Practices shall include the collection and analysis of soil and/or plant tissue in determining the amount of phosphate (P2O5) needed for the combination of the crop being produced and its expected yield. Soil and/or plant tissue sampling and analysis shall be conducted using the following University of Florida/Institute of Food and Agricultural Sciences Extension Electronic Data Information Source (EDIS) documents:

(a) For soil testing use: University of Florida/Institute of Food and Agricultural Sciences Extension Soil Testing Laboratory (ESTL) Analytical Procedures and Training Manual (SS312) September 2002; and

(b) For vegetable /agronomic crops use the following documents: Phosphorus Management for Vegetable Production in Florida (HS105) May 2003, IFAS Standardized Fertilization Recommendations for Vegetable Crops (CV002) 1995, and Commercial Vegetable Fertilization Principles (CV009) March 2000; and

(c) For citrus use the following documents: Managing Phosphorus Fertilization of Citrus Using Soil Testing (SS332) October 2001, and Macronutrient Deficiencies in Citrus: Nitrogen, Phosphorus and Potassium (SS420) January 2003; and

(d) For cow/calf operations use the following document: UF/IFAS Standardized Fertilization Recommendations for Agronomic Crops (SS163) March 2002.

Copies of the manual and extension documents can be obtained at <http://www.floridaagwaterpolicy.com/links.html>, or from UF/IFAS, Building 440, Mowry Rd., P. O. Box 110011, Gainesville, Florida 32611-0810.

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

5M-3.005 Presumption of Compliance.

(1) Flatwoods, or non “ridge” Citrus. In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the implemented practices, the applicant must:

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

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

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

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

(e) Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification of implementation, operation, and maintenance of BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS;

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

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(4)(3), F.A.C.; and

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

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

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

(a)(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(4)(3), F.A.C.;

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

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

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

(e) Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification of implementation, operation and maintenance of BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS;

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

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

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

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

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

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

(d) Maintain documentation to verify the implementation and maintenance of the identified BMPs;

(e) Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification of implementation, operation and maintenance of BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS;

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

(g) Agree to implement a Conservation Plan developed in accordance with subsection 5M-3.003(4), F.A.C.; and

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

(4) Ridge citrus. In order to obtain the presumption of compliance with state ground water quality standards for nitrogen and release from the provisions of Section 376.307(5), F.S. the applicant must comply with the provisions of Rule 5E-1.023, F.A.C., and

(a) Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification of implementation, operation and maintenance of BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS.

~~(5)(3) Dairies/Buy-out Dairies.~~ In order to obtain the presumption of compliance with state water quality standards and release from the provisions of Section 376.307(5), F.S., for those pollutants addressed by the practices, the applicant must:

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

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

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

~~(d)(e)~~ Maintain documentation to verify the implementation and maintenance of non-regulatory and incentive-based programs; and

~~(e)(d)~~ Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification and implementation, operation and maintenance of BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS.

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

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

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

(c) Implement the non-regulatory and incentive-based programs identified in the site-specific Conservation Plan developed in accordance with subsection 5M-3.003(4)(3), F.A.C., for the subject properties;

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

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

(f) Allow FDACS, or FDACS in conjunction with DEP, SFWMD, or USDA/NRCS representatives, access to the property(ies) for verification of implementation, operation, and maintenance of the BMPs. Advance notice of such inspections shall be provided to the landowner by FDACS.

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

5M-3.006 Land Application of Animal Wastes.

Animal wastes shall be applied at a phosphorous-based agronomic rate. The landowner or leaseholder must have a current (5 year old or less) nutrient management plan, prepared by a ~~Certified~~ Technical Service Provider, or the USDA/NRCS consistent with the USDA, NRCS, Field Office Technical Guide, Conservation Practice Standards-Code 590 “Nutrient Management” and Code 633 “Waste Utilization.” The landowner or leaseholder must maintain adequate records demonstrating adherence to the Nutrient Management Plan. The Nutrient Management Plan, and associated records, shall be made available to the Department or its representative, upon request. FOTG Code 590 “Nutrient Management” may be viewed or copied by going to http://www.floridaagwaterpolicy.com/PDFs/Conservation_Prac_Standard590.pdf, ~~ftp://ftp.ftw.nrcs.usda.gov/pub/nhep/pdf/590.pdf~~ FOTG Code 633 “Waste Utilization” may be viewed or copied by going to http://www.floridaagwaterpolicy.com/PDFs/Conservation_Prac_Standard_633.pdf, ~~ftp://ftp.ftw.nrcs.usda.gov/pub/nhep/pdf/633.pdf~~

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

5M-3.007 Record Keeping.

All participants must preserve, for a minimum of ten years, sufficient documentation to confirm implementation of the non-regulatory and incentive-based programs identified in the Notice of Intent to Implement. Such documentation regarding fertilization must be in sufficient detail to confirm implementation of applicable nutrient management Best Management Practices, and include date of soil and/or plant tissue sample collection, results of soil and/or plant tissue analysis, formulation and quantity of fertilizer material purchased, crop, crop yield, and acreage upon which the fertilizer is applied, and date(s) of fertilizer application. All documentation is subject to ~~FDACS~~ inspection. Advance notice of such inspections shall be provided to the landowner by FDACS.

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

5M-3.008 Land Use Changes.

Any change in the land use shall require the landowner to demonstrate to the South Florida Water Management District that the proposed changes in land use will not result in

increased phosphorus loading over that of the existing land uses. Affected landowners should contact the Florida Department of Agriculture and Consumer Services Okeechobee Office, 305 East North Park Street, Suite C, Okeechobee, FL 34972 for assistance in the event of land use changes.

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

5M-3.009 Preservation of Authority.

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Clegg Hooks, Environmental Administrator, FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or FAX (850)617-1701

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Rich Budell, Assistant Director, FDACS Office of Agricultural Water Policy, 1203 Governor’s Square Boulevard, Suite 200, Tallahassee, Florida 32301, (850)617-1700 or FAX (850)617-1701

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 2, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 10, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CITRUS

RULE CHAPTER NO.: RULE CHAPTER TITLE:
20-9 Payment of Excise Taxes

RULE NO.: RULE TITLE:
20-9.002 Processed Form

PURPOSE AND EFFECT: Revising conversion units for a standard equivalent 1 3/5 bushel box used in computing equalization tax.

SUMMARY: Revising conversion units used in computing equalization tax.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

SPECIFIC AUTHORITY: 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS.

LAW IMPLEMENTED: 601.15(5),(6), 601.155 FS.

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

DATE AND TIME: June 21, 2006, 10:30 a.m.

PLACE: Department of Citrus Building, 1115 East Memorial Boulevard, Lakeland, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Alice P. Wiggins, License & Regulation Specialist, Legal Department, Florida Department of Citrus, P. O. Box 148, Lakeland, Florida 33802-0148

THE FULL TEXT OF THE PROPOSED RULE IS:

20-9.002 Processed Form.

(1) No change.

(2) All persons or entities required to file excise tax returns pursuant to Section. 601.155, Florida Statutes, shall file, each week, an excise tax return on forms furnished by the Department of Citrus (incorporated by reference in Rule 20-100.004, F.A.C.).

(a) All persons liable for the excise tax imposed by this section shall file with the Department of Citrus equalizing excise tax returns, certified as true and correct. The return, as furnished by the Department of Citrus, shall report information as to the number of units of processed orange or grapefruit products subject to this section upon which any taxable privilege was exercised during the period of time covered by the return, in addition to the status of inventoried product. Each handler shall maintain records and documentation supporting declarations made on the excise tax return filed with the Department of Citrus. Unless the actual number of boxes is known to the processor and can be substantiated by appropriate records in his possession, the following table shall be used in determining the equivalent number of boxes:

Conversion Unit			
Product	Oranges	Grapefruit	Number of Equivalent 1-3/5 Bushel Boxes
Concentrate	6.20 6.32 solids	4.60 4.65 solids	1
Single Strength Sections, canned	6.12 6.16 gallons	5.26 5.12 gallons	1
	4.93 gallons	4.27 gallons	1

(b) Equalizing excise taxes shall be due and payable within 61 days after the first of the taxable privileges is exercised in this state.

(c) The excise tax levied by this section shall be at the same rate per box of oranges or grapefruit utilized in the initial production of the processed citrus products so handled as that imposed, at the time of exercise of the taxable privilege, by Section 601.15, Florida Statutes.

(d) All credits and refunds will be provided by Department of Citrus in accordance with s. 601.155, Florida Statutes.

(3) through (4) No change.

Specific Authority 601.10(1), 601.15(1),(10)(a), 601.155(3),(7) FS. Law Implemented 601.15(5),(6), 601.155 FS. History—Formerly 105-1.15(2), Revised 1-1-75, § (2), Amended 11-21-77, 8-1-80, § (3), 2-1-81, 8-1-83, Formerly 20-9.02, Amended 7-21-86, 8-30-89, 8-27-91, 7-13-94, 10-22-95, 8-1-97, 8-3-00, 11-27-01,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Ken Keck, General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ken Keck, General Counsel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 16, 2003

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 9, 2003

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40B-8	Minimum Flows and Levels
RULE NOS.:	RULE TITLES:
40B-8.021	Definitions
40B-8.031	Minimum Surfacewater Levels and Flows for Madison Blue Spring
40B-8.041	Minimum Surfacewater Levels and Flows for Lower Suwannee River, Little Fanning Spring, Fanning Spring and Manatee Spring

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring within 40B-8, F.A.C. The effect of

the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

SUMMARY: This proposed rule will establish minimum flows and levels for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory cost has been prepared.

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

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.103 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 RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-8.021 Definitions.

Unless the context indicates otherwise, the following terms shall have the following meanings:

(1) "Fanning Spring" means single spring vent located within Levy County, adjacent to the Suwannee River at 29°33'14" north latitude and 82°56'07" west longitude.

(2)(4) "Flow Duration Curve" means a statistical representation of flows, actual or synthetic, and their recurrence probabilities over a determined period of record.

(3)(2) "Historic period" means the period of record as documented in each technical report establishing minimum flow or level to October 1, 2004.

(4) "Little Fanning Spring" means the single spring vent located within Levy County, adjacent to the Suwannee River at 29°35'09" north latitude and 82°56'04" west longitude.

(5) "Lower Suwannee River" means the river segment below the Wilcox gauge to the estuary.

(6)(3) "Madison Blue Spring" means the single vent spring system located within Madison County, adjacent to the Withlacoochee River at 30°28'48" north latitude and 83°14'40" west longitude.

(7) "Manatee Spring" means the single spring vent located within Levy County, adjacent to the Suwannee River at 29°29'21" north latitude and 82°58'37" west longitude.

(8)(7) "Minimum surfacewater flow" means a flow, expressed in cubic feet per second combined with a temporal element. The temporal element may be specifically expressed as a duration and return interval.

(9)(8) "Minimum surfacewater level" means an elevation in feet NGVD combined with a temporal element. The temporal element, for purposes of this chapter, may be specifically expressed as a duration and return interval.

(10)(9) "NGVD" means National Geodetic Vertical Datum of 1929.

(11)(7) "Pinetta gauge" means stream flow measuring gauge number 02319000 ~~operated by the United States Geological Survey~~ located on the Withlacoochee River approximately 10 miles upstream from Madison Blue Spring at 30°35'43" north latitude and 83°15'35" west longitude.

(12) "Stage Duration Curve" means a statistical representation of stages, actual or synthetic, and their recurrence probabilities over a determined period of record.

(13) "Suwannee River" means the riverine waterbody which originates in south-central Georgia and flows southeast and south into Florida discharging into the Gulf of Mexico north of Cedar Key.

(14) "Wilcox gauge" means stream flow measuring gauge number 02323500 located on the Suwannee River at 29°05'90" north latitude and 82°09'37" west longitude.

(15)(8) "Withlacoochee River" means the riverine waterbody which originates in south-central Georgia and flows southeast and south into Florida discharging into the Suwannee River at Ellaville.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.415 FS. History—New 9-15-05, Amended _____.

40B-8.031 Minimum Surfacewater Levels and Flows for Madison Blue Spring.

The Governing Board hereby establishes the following minimum surfacewater flows and levels for Madison Blue Spring. The Governing Board finds that the following minimum surfacewater flows and levels are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for Madison Blue Spring is 70 cubic feet per second (cfs) for a flow duration frequency of 90 percent when the stage of the Withlacoochee River measured at the Pinetta gauge is 55.0 feet (NGVD) or less.

(2) If the surfacewater flows from Madison Blue Spring are reduced below the levels established in subsection (1) above, withdrawals will be significantly harmful to the water resources or ecology.

(3) In determining the estimated impact of existing and proposed future withdrawals on the surfacewater flow of Madison Blue Spring, as expressed in subsections (1) and (2) above, the following factors shall be considered:

(a) A stage of 55.0 feet (NGVD) at the Pinetta gauge will serve as a modeling boundary condition.

(b) The surfacewater flow for Madison Blue Spring shall not be caused to be reduced to a predicted flow of 70 cfs or less for a flow duration frequency of less than 90 percent as determined by the Flow Duration Curve for the Madison Blue Spring discharge over the historic period.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New 9-15-05, Amended

40B-8.041 Minimum Surfacewater Levels and Flows for Lower Suwannee River, Little Fanning Spring, Fanning Spring, and Manatee Spring.

The Governing Board hereby establishes the following minimum surfacewater flows and levels. The Governing Board finds that the following minimum surfacewater flows and levels are the limit at which further withdrawals would be significantly harmful to the water resources or ecology.

(1) The minimum surfacewater flow for Manatee Spring is the flow that will maintain 90 percent of the historic flow regime for the Manatee Spring discharge as defined in “Technical Report – MFL Establishment for the Lower Suwannee River and Estuary, Little Fanning, Fanning, and Manatee Springs, October 2005.”

(2) In addition to subsection (1) above, the minimum surface water flow for Manatee Spring for the period of November 1 through April 30 is 130 cubic feet per second for a flow duration frequency of 50 percent.

(3) The minimum surfacewater flow for Fanning and Little Fanning Spring is the flow that will maintain 90 percent of the historic flow regime for the Fanning Spring discharge as defined in “Technical Report – MFL Establishment for the Lower Suwannee River and Estuary, Little Fanning, Fanning, and Manatee Springs, October 2005.”

(4) The minimum surface water level for Fanning Spring for the period of November 1 through April 30 is 2.71 feet (NGVD) for a stage duration frequency of 85 percent.

(5) The minimum surfacewater flow for the Lower Suwannee River below the Wilcox gauge is 6,600 cubic feet per second for a flow duration frequency of 50 percent for the period May 1 through October 31. For the period November 1 through April 30, the minimum surfacewater flow is 7,600 cubic feet per second for a flow duration frequency of 50 percent.

Specific Authority 373.044, 373.113 FS. Law Implemented 373.042, 373.0421, 373.103, 373.415 FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 23, 2005

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-2 Water Use Permits

RULE NOS.: RULE TITLES:

40D-2.011 Policy and Purpose

40D-2.021 Definitions

40D-2.041 Permits Required

40D-2.091 Publications Incorporated by Reference

40D-2.301 Conditions for Issuance of Permits

40D-2.302 Reservations From Use

40D-2.321 Duration of Permits

40D-2.331 Modification of Permits

40D-2.621 Water-Conserving Credits

40D-2.801 Water Use-Caution Areas

PURPOSE AND EFFECT: To adopt rules to implement the regulatory portion of the recovery strategy for minimum flows and levels for certain water bodies within the Southern Water Use Caution Area that are being proposed as amendments to Chapter 40D-8, F.A.C. simultaneously with these rules.

SUMMARY: The proposed rules provide that if the actual flow or level of a water body is below the minimum flow or level, a new quantity of water will not be permitted unless the proposed withdrawal will provide a net benefit to the impacted water body. The proposed rules describe the three types of net benefit that can be proposed.

In order to maximize the efficient utilization of water resources in the SWUCA to allow for recovery, the District proposes rules that will emphasize that new and renewal water use permits applicants must demonstrate a reasonable-beneficial use, that conservation measures will be implemented and alternative sources of water will be utilized to the extent economically, technically and environmentally feasible.

The proposed rules include a method for calculating public water supply service area population so that calculation of population is standardized for utilities within the Southern Water Use Caution Area. This standardization is integral to the determination of compliance with per capita daily water use rule requirements and to developing future per capita daily water use standards.

The proposed rules repeal the Highlands Water Use Caution Area and the Eastern Tampa Bay Water Use Caution Area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum flows and levels, and the rules proposed simultaneously in 40D-2 and 40D-80 to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a Statement of Estimated Regulatory Cost as set forth in section 120.541(1)(c), F.S. are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District. Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.103, 373.113, 373.118, 373.171, 373.216, 373.249 FS.

LAW IMPLEMENTED: 373.042, 373.0421, 373.044, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.224, 373.226, 373.227, 373.229, 373.233, 373.336, 373.239, 373.243 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-2.011 Policy and Purpose.

The purpose of this Chapter is to implement the provisions of Part II of Chapter 373, F.S., and the Water Resource Implementation Rule State of Florida Water Policy set forth in Chapter 62-40, F.A.C. Additional rules relating to water use are found in Chapter 40D-3, F.A.C., entitled Regulation of Wells, Chapter 40D-8, F.A.C., entitled Water Levels and Rates of Flow, Chapter 40D-80, F.A.C., entitled Prevention and Recovery Strategies For Minimum Flows and Levels, Chapter 40D-21, F.A.C., entitled Water Shortage Plan, and Chapter 40D-22, F.A.C., entitled Year-Round Water Conservation Measures.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219 FS. History--Readopted 10-5-74, Formerly 16J-2.01, Amended 10-1-89, _____.

40D-2.021 Definitions.

The following definitions shall apply within the Southern Water Use Caution Area:

(1) "Alternative Water Supplies" and "Alternative Water Supply" means saltwater; brackish surface water and brackish groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or ground-water;

water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as non-traditional for a water supply planning region in the applicable regional water supply plan. Inclusion of reclaimed water and seawater in this definition of Alternative Water Supplies does not alter the exemption from water use permitting for these sources (see Section 1.2, Basis of Review for Water Use Permitting).

(2) "Annual Average" means the annual average daily quantity that is the total quantity authorized by the District to be withdrawn from water sources in one year, divided by 365 days and expressed in gallons per day (gpd).

(3) "Change in Ownership or Control" means a person other than the permittee that has been granted a real property interest or lease interest in the property subject to the permit; but does not include a person with a familial relationship to the permittee.

(4) "Drought Annual Average" means the annual average daily quantity in the SWUCA that is the total quantity authorized by the District to be withdrawn in one calendar year for irrigation based on a two-in-ten year drought, divided by 365 days and expressed in gallons per day (gpd).

(5) "MIA" means the Most Impacted Area within the Southern Water Use Caution Area located in Hillsborough, Manatee and Sarasota Counties as described in subparagraph 40D-2.801(3)(b)2., F.A.C.

(6) "Net Benefit" means activities or measures that will result in an improvement to a Minimum Flow or Level water body that more than offsets the impact of a proposed withdrawal.

(7) "New Quantities" means water that is not currently authorized to be withdrawn by the applicant or not currently authorized to be used for the intended use by the applicant. This includes applications to modify existing permits to increase quantities, and/or change the Permit Use Type (affecting only the modified portion) and applications for an initial permit. A modification to change crops or plants grown under an Agricultural Permit Use Type Classification or to change withdrawal location or Use Type that is authorized by the terms of the permit or site certification at the time of issuance, is not a change in Permit Use Type provided that the quantities do not increase. In addition, when land is mined and the land will be returned to the Use Type operation authorized under the Water Use Permit that existed prior to mining, such activity does not constitute a change in Use Type or New Quantity.

(8) "Reclaimed Water," except as specifically provided in Chapter 62-610, F.A.C., means wastewater that has received at least secondary treatment and basic disinfection and is reused after flowing out of a domestic wastewater treatment facility.

(9) “Ridge Lakes” means those lakes located within the area formerly known as the Highlands Ridge Water Use Caution Area as described in subparagraph 40D-2.801(3)(b)3., F.A.C.

(10) “Self-Relocation” means a permit modification that authorizes a permittee to move all or a portion of its withdrawal located within the Southern Water Use Caution Area to a new location or locations owned or controlled by the permittee within the Southern Water Use Caution Area, with no change in ownership, control, or Use Type as set forth in Rule 40D-2.501, F.A.C., and no increase in quantities. Self-Relocation does not include changes in withdrawal location or Use Type that are authorized by the terms of the existing permit.

(11) “Upper Peace River” means that portion of the Peace River beginning at the confluence of Saddle Creek and the Peace Creek Canal, and extending southerly to the United States Geological Survey Zolfo Springs River Gage No. 02295637 and including the watershed contributing to that portion of the Peace River.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223 FS. History–New _____.

40D-2.041 Permits Required.

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

(e) In addition to the thresholds set forth in paragraphs (1)(a) through (1)(d) above, a permit is required within the Most Impacted Area (MIA) as set forth in subparagraph 40D-2.801(3)(b)2., F.A.C., Section 7.2.8. A. and B., and Figure 7.2-2, Basis of Review for Water Use Permit Applications, when withdrawal is from wells having a cumulative outside diameter greater than six inches at the surface any of which wells is constructed after April 11, 1994. This paragraph (e) shall not apply to any proposed well less than six inches in diameter at the surface when it is of the same diameter or smaller than a well it replaces and an application to plug the replaced well in accordance with Rule 40D-3.531, F.A.C., is filed with the application to construct the replacement well in accordance with Rule 40D-3.041, F.A.C.

(2) through (4) No change

Specific Authority 373.044, 373.113, 373.118, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.219, 373.223, 373.224, 373.226 FS. History–Readopted 10-5-74, Amended 12-31-74, 10-24-76, 9-4-77, 10-16-78, Formerly 16J-2.04(1), (2), (4), (5), Amended 9-1-84, 11-19-84, 10-1-89, 2-10-93, 4-11-94, _____.

40D-2.091 Publications Incorporated by Reference

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) “Basis of Review for Water Use Permit Applications”
October 19, 2005;

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, _____.

40D-2.301 Conditions for Issuance of Permits.

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

(d) Will not interfere with a reservation of water as set forth in Rule 40D-2.302, F.A.C.

(e)(d) Will comply with the provisions of 4.3 of the Basis of Review described in Rule 40D-2.091, F.A.C.;

(f)(e) Will utilize the lowest water quality the Applicant has the ability to use, provided that its use does not interfere with the recovery of a water body to its established MFL and it is not a source that is either currently or projected to be adversely impacted;

(g)(f) Will not significantly induce saline water intrusion;

(h)(g) Will not cause pollution of the aquifer;

(i)(h) Will not adversely impact offsite land uses existing at the time of the application;

(j)(i) Will not adversely impact an existing legal withdrawal;

(k)(j) Will incorporate water conservation measures;

(l)(k) Will incorporate use of Alternative Water Supplies to the greatest extent practicable;

(m)(l) Will not cause water to go to waste; and

(n)(m) Will not otherwise be harmful to the water resources within the District.

(2) through (3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.219, 373.223, 373.229 FS. History–Readopted 10-5-74, Amended 12-31-74, 2-6-78, 7-5-78, Formerly 16J-2.11, 16J-2.111, Amended 1-25-81, 10-1-89, 2-10-93, 8-3-00, 4-14-02, _____.

40D-2.302 Reservations From Use.

The Governing Board anticipates reserving from use water necessary to recover to, and protect, the Minimum Flows and Levels established for the Southern Water Use Caution Area as set forth in Chapter 40D-8, F.A.C. These reservations will be adopted through future rulemaking on a case-by-case basis, to address water that is developed through water resource development projects designed to restore and maintain Minimum Flows and Levels. Adopted reservations will be incorporated into this Rule 40D-2.302, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.223 FS. History–New _____.

40D-2.321 Duration of Permits.

(1) The District shall determine the duration of a Water Use Permit, including Standby Permits, based on the degree and likelihood of potential adverse impacts to the water resource or existing users.

(2) The duration of a water use permit shall not exceed six years when:

(a) The permit is for a new use greater than or equal to 500,000 gpd;

(b) ~~The~~ District determines there is a potential for significant adverse impacts and further evaluation is needed to develop an effective mitigation plan; or

(c) ~~The~~ permit is for a renewal to significantly increase quantities.

(3) The duration of a water use permit shall not exceed 10 years when:

(a) ~~The~~ permit is for a new use less than 500,000 gpd;

(b) ~~The~~ permit is for a renewal with an effective mitigation plan to address potential adverse impacts; or

(c) ~~The~~ permit is for a renewal with no significant modification.

~~(4)(5)~~ If the District determines that a permit term longer than 10 years is appropriate based on facts presented by an applicant, the District shall issue a permit for a period up to 50 years in accordance with Section 373.236, F.S.

(5) Subject to Section 373.236, F.S., where a permit is required and issued for an Alternative Water Supply, the permit will be granted, extended, or renewed, as applicable, for a duration of 20 years for the project or portions of a project designed to develop an Alternative Water Supply, unless the applicant requests a longer period.

~~(6)(5)~~ No change.

~~(6) Permits for withdrawals related to a demand of 100,000 gpd or more on an annual average basis (100,000 gpd on a drought annual average basis for irrigation permits) in the Southern Water Use Caution Area where an alternative source of water is used to replace 50% or more of existing or proposed ground water quantities have a permit duration of 20 years. If the amount of ground water replaced by an alternative source becomes less than 50% of the permitted ground water quantities due to a permanent loss of alternative source, the permit shall continue under its remaining duration or receive a duration in accordance with subsections 40D-2.321(2), (3), (4) and (5), F.A.C., whichever is less, from the date when the alternative source was lost. The duration of an Standby Alternative Source Permit pursuant to Section 1.9.9 of the Basis of Review which is incorporated by reference in Rule 40D-2.091, F.A.C., and available upon request to the District, shall be 20 years, except that when all or part is permanently reactivated, the portions reactivated shall have a duration in accordance with subsections 40D-2.321(2), (3) and (4), F.A.C., above.~~

~~(7) Permits for withdrawals related to a demand of less than 100,000 gpd on an annual average basis (drought annual average basis for irrigation permits) in the Southern Water Use Caution Area, which use an alternative source to replace all or~~

~~part of the use demand and which are do not required to meter withdrawals, shall have a permit duration in accordance with subsections 40D-2.321(3), (4) and (5), F.A.C.~~

Specific Authority 373.044, 373.103, 373.113, 373.171 FS. Law Implemented 373.103, 373.171, 373.236 FS. History-Readopted 10-5-74, Amended 12-31-74, 10-24-76, 1-6-82, 3-11-82, Formerly 16J-2.13, Amended 10-1-89, 7-28-98, 1-1-03, _____.

40D-2.331 Modification of Permits.

(1) No change.

(2)(a) No change.

(b) Letter, provided a Modification Short Form is submitted and the annual average daily withdrawal will not increase by more than 100,000 gpd or more than 10% of the total permitted quantity, the use of the water will not change, the modification does not cause the total annual average daily quantity to equal or exceed 500,000 gpd, ~~and~~ the proposed changes would not cause impacts beyond those considered in the initial permit and is not a request to extend a permit term. Within the SWUCA, except to reactivate a Standby for Alternative Water Supply permit as provided in Section 1.12 of the Basis of Review, modification by letter is not available for modifications that include a request to Self-Relocate or to increase water withdrawals that impact or are projected to impact a water body with an established Minimum Flow or Level.

(3) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.216, 373.249 FS. Law Implemented 373.171, 373.239 FS. History-Readopted 10-5-74, Formerly 16J-2.14(1), Amended 10-1-89, 2-10-93, 7-29-93, _____.

40D-2.621 Water-Conserving Credits.

(1) On January 1, 2003, permits authorizing a water withdrawal within the Southern Water Use Caution Area as described in paragraph 40D-2.801(3)(b)(d), F.A.C., for irrigation shall be assigned a credit by the District for a quantity of water as set forth in Chapter 3 of the Basis of Review referenced in Rule 40D-2.091, F.A.C.

(2) Beginning on January 1, 2003, all permittees with a permit authorizing a water withdrawal within the SWUCA as described in paragraph 40D-2.801(3)(b)(d), F.A.C., for irrigation may earn Water Conserving Credits to withdraw additional quantities of water for use at the site at which they were earned if less than the allowable amount is applied to actual, planted acreage as set forth in Chapter 3 of the Basis of Review described in Rule 40D-2.091, F.A.C.

(3) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.171, 373.216, 373.219, 373.223, 373.239 FS. History-New 1-1-03, Amended _____.

40D-2.801 Water-Use Caution Areas.

(1) through (2) No change.

(3) The regions described in this Rule have been declared Water-Use Caution Areas by the District Governing Board. This Rule reaffirms the declaration of Water-Use Caution Areas and creates conditions to be applied to water users in those areas.

(a) ~~Highlands Ridge Water Use Caution Area. To address regional declining lake levels, the Governing Board declared portions of Polk and Highlands Counties a Water Use Caution Area on June 28, 1989, pursuant to Resolution number 932:~~

~~1. The boundary for the Highlands Ridge Water-Use Caution Area is as follows:~~

~~All of Highlands County within the boundaries of the Southwest Florida Water Management District and that portion of Polk County within the following Sections:~~

- ~~Township 27S, Range 26E: Sections 25-29 and 32-36;~~
- ~~Township 28S, Range 26E: Sections 1-4, 9-16, 21-28, and 34-36;~~
- ~~Township 29S, Range 26E: Sections 1 and 2;~~
- ~~Township 27S, Range 27E: Sections 25-36;~~
- ~~Townships 28-32S, Range 27E: All Sections;~~
- ~~Township 27S, Range 28E: Section 31;~~
- ~~Township 28S, Range 28E: Sections 6 and 7; 17-22; 27-34;~~
- ~~Township 29S, Range 28E: Sections 6 and 7; 18-36;~~
- ~~Township 30-32S, Range 28E: All Sections;~~
- ~~Township 29S, Range 29E: Sections 19, 30 and 31;~~
- ~~Township 30S, Range 29E: Sections 5, 6, 7 and 8; 18 and 19; 30 and 31; and~~
- ~~Township 31S, Range 29E: Section 6.~~

~~2. Regulations applicable to this Water Use Caution Area are contained in "Section 7.1, Basis of Review For Water Use Permit Applications."~~

~~3. All Water Use Permits within the Water Use Caution Area are hereby modified to conform with this Rule, and applicable permit conditions specified in "Section 7.1, Basis of Review For Water Use Permit Applications," are incorporated into all Water Use Permits within the Water Use Caution Area.~~

~~(b) Eastern Tampa Bay Water-Use Caution Area. To address declining seasonal and average groundwater levels, water quality degradation and adverse impacts to existing water users the Governing Board declared portions of Hillsborough, Manatee and Sarasota Counties a Water Use Caution Area on June 28, 1989, pursuant to Resolution Number 933, and on October 24, 1989, pursuant to Resolution Number 942:~~

~~1. The boundary for the Eastern Tampa Bay Water-Use Caution Area is as follows:~~

~~That portion of Manatee County within the following Sections:~~

- ~~Township 33S, Range 17E: All Sections;~~
- ~~Township 33S, Range 18E: All Sections;~~
- ~~Township 33S, Range 19E: All Sections;~~

- ~~Township 33S, Range 20E: All Sections;~~
- ~~Township 33S, Range 21E: All Sections;~~
- ~~Township 33S, Range 22E: All Sections;~~
- ~~Township 34S, Range 16E: All Sections;~~
- ~~Township 34S, Range 17E: All Sections;~~
- ~~Township 34S, Range 18E: All Sections;~~
- ~~Township 34S, Range 19E: All Sections;~~
- ~~Township 34S, Range 20E: All Sections;~~
- ~~Township 34S, Range 21E: All Sections;~~
- ~~Township 34S, Range 22E: All Sections;~~
- ~~Township 35S, Range 16E: All Sections;~~
- ~~Township 35S, Range 17E: All Sections;~~
- ~~Township 35S, Range 18E: All Sections;~~
- ~~Township 35S, Range 19E: All Sections;~~
- ~~Township 35S, Range 20E: All Sections;~~
- ~~Township 35S, Range 21E: All Sections;~~
- ~~Township 35S, Range 22E: All Sections;~~
- ~~Township 36S, Range 21E: All Sections;~~
- ~~Township 36S, Range 22E: All Sections;~~
- ~~That portion of Hillsborough County within the following Sections:~~
- ~~Township 29S, Range 19E: All Sections South of State Road 60 excluding Sections 19 and 20;~~
- ~~Township 36S, Range 19E: All Sections;~~
- ~~Township 36S, Range 20E: All Sections;~~
- ~~Township 37S, Range 18E: All Sections;~~
- ~~Township 29S, Range 20E: All Sections South of State Road 60;~~
- ~~Township 29S, Range 21E: All Sections South of State Road 60;~~
- ~~Township 29S, Range 22E: All Sections South of State Road 60;~~
- ~~Township 30S, Range 19E: All Sections;~~
- ~~Township 30S, Range 20E: All Sections;~~
- ~~Township 30S, Range 21E: All Sections;~~
- ~~Township 30S, Range 22E: All Sections;~~
- ~~Township 31S, Range 18E: All Sections;~~
- ~~Township 31S, Range 19E: All Sections;~~
- ~~Township 31S, Range 20E: All Sections;~~
- ~~Township 31S, Range 21E: All Sections;~~
- ~~Township 31S, Range 22E: All Sections;~~
- ~~Township 32S, Range 18E: All Sections;~~
- ~~Township 32S, Range 19E: All Sections;~~
- ~~Township 32S, Range 20E: All Sections;~~
- ~~Township 32S, Range 21E: All Sections;~~
- ~~Township 32S, Range 22E: All Sections;~~
- ~~Township 33S, Range 15E: All Sections;~~
- ~~Township 33S, Range 16E: All Sections; and~~
- ~~That portion of Sarasota County within the following sections:~~

~~Township 36S, Range 17E: All Sections;~~

~~Township 36S, Range 18E: All Sections;~~

~~2. Regulations applicable to this Water Use Caution Area are contained in "Section 7.2, Basis of Review For Water Use Permit Applications."~~

~~3. All Water Use Permits within the Water Use Caution Area are hereby modified to conform with this Rule, and applicable permit conditions specified in "Section 7.2, Basis of Review For Water Use Permit Applications," are incorporated into all Water Use Permits within the Water Use Caution Area.~~

~~(a)(e)~~ No change.

~~(b)(d)~~ Southern Water Use Caution Area (SWUCA). To address lowered declining lake levels, stream flows and declining seasonal and average ground water levels, water quality degradation and adverse impacts to water users, the Governing Board declared all or portions of Manatee, Sarasota, DeSoto, Hardee, Charlotte, Highlands, Hillsborough and Polk Counties within the District's boundaries a Water Use Caution Area on October 26, 1992, pursuant to Resolution Number 92-10.

1. As shown in Figure 2-1, the boundary for the Southern Water Use Caution Area is as follows:

All of Manatee, Sarasota, Charlotte, Hardee, DeSoto, and Highlands Counties within the boundaries of the Southwest Florida Water Management District, and that portion of Hillsborough County within the following sections (all Townships are South; all Ranges are East):

Township 29, Range 19: All whole or partial Sections South of State Road 60

Township 29, Range 20: All whole or partial Sections South of State Road 60

Township 29, Range 21: All whole or partial Sections South of State Road 60

Township 29, Range 22: All whole or partial Sections South of State Road 60

Township 30, Range 19: All Sections

Township 30, Range 20: All Sections

Township 30, Range 21: All Sections

Township 30, Range 22: All Sections

Township 31, Range 18: All Sections

Township 31, Range 19: All Sections

Township 31, Range 20: All Sections

Township 31, Range 21: All Sections

Township 31, Range 22: All Sections

Township 32, Range 18: All Sections

Township 32, Range 19: All Sections

Township 32, Range 20: All Sections

Township 32, Range 21: All Sections

Township 32, Range 22: All Sections

Township 33, Range 15: All Sections

Township 33, Range 16: All Sections

and that portion of Polk County within the Southwest Florida Water Management District and within the following sections:

Township 26, Range 26: All whole or partial Sections South of Interstate 4

Township 27, Range 23: All whole or partial Sections South of Interstate 4

Township 27, Range 24: All whole or partial Sections South of Interstate 4

Township 27, Range 25: All whole or partial Sections South of Interstate 4

Township 27, Range 26: All Sections

Township 27, Range 27: Sections 25 through 36

Township 27, Range 28: Section 31

Township 28, Range 23: All Sections

Township 28, Range 24: All Sections

Township 28, Range 25: All Sections

Township 28, Range 26: All Sections

Township 28, Range 27: All Sections

Township 28, Range 28: All Sections

Township 29, Range 23: All Sections

Township 29, Range 24: All Sections

Township 29, Range 25: All Sections

Township 29, Range 26: All Sections

Township 29, Range 27: All Sections

Township 29, Range 28: All Sections

Township 29, Range 29: Sections 19, 30, 31

Township 30, Range 23: All Sections

Township 30, Range 24: All Sections

Township 30, Range 25: All Sections

Township 30, Range 26: All Sections

Township 30, Range 27: All Sections

Township 30, Range 28: All Sections

Township 30, Range 29: Sections 5, 6, 7, 8, 18, 19, 30, 31

Township 31, Range 23: All Sections

Township 31, Range 24: All Sections

Township 31, Range 25: All Sections

Township 31, Range 26: All Sections

Township 31, Range 27: All Sections

Township 31, Range 28: All Sections

Township 31, Range 29: Section 6

Township 32, Range 23: All Sections

Township 32, Range 24: All Sections

Township 32, Range 25: All Sections

Township 32, Range 26: All Sections

Township 32, Range 27: All Sections

Township 32, Range 28: All Sections.

2. As shown in Figure 2-1, the area for the MIA of the Southern Water Use Caution Area is as follows:

Township 30, Range 19, Sections 2 through 36;

Township 30, Range 20, Sections 17 through 22; and 27 through 36;
Township 31, Range 18, all sections;
Township 31, Range 19, all sections;
Township 31, Range 20, all sections;
Township 31, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;
Township 32, Range 18, all sections;
Township 32, Range 19, all sections;
Township 32, Range 20, all sections;
Township 32, Range 21, Sections 5 through 7;
Township 33, Range 16, all sections;
Township 33, Range 17, all sections;
Township 33, Range 18, all sections;
Township 33, Range 19, all sections;
Township 33, Range 20, all sections;
Township 33, Range 21, Sections 19, 30, 31;
Township 34, Range 16, all sections;
Township 34, Range 17, all sections;
Township 34, Range 18, all sections;
Township 34, Range 19, all sections;
Township 34, Range 20, all sections;
Township 34, Range 16, all sections;
Township 34, Range 17, all sections;
Township 34, Range 18, all sections;
Township 34, Range 19, all sections;
Township 34, Range 20, all sections;
Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;
Township 35, Range 16, all sections;
Township 35, Range 17, all sections;
Township 35, Range 18, all sections;
Township 35, Range 19, all sections;
Township 35, Range 20, all sections;
Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;
Township 36, Range 17, all sections;
Township 36, Range 18, all sections;
Township 36, Range 19, Sections 1 through 24; and 27 through 32;
Township 36, Range 20, Sections 2 through 10; and 17 and 18;
Township 37, Range 17, Sections 1 through 18;
Township 37, Range 18, Sections 1 through 10; and 17 and 18.
Township 34, Range 21, Sections 6 through 8; 17 through 20; and 29 through 32;
Township 35, Range 16, all sections;
Township 35, Range 17, all sections;
Township 35, Range 18, all sections;

Township 35, Range 19, all sections;
Township 35, Range 20, all sections;
Township 35, Range 21, Sections 5 through 8; 17 through 20; and 30;
Township 36, Range 17, all sections;
Township 36, Range 18, all sections;
Township 36, Range 19, Sections 1 through 24; and 27 through 32;
Township 36, Range 20, Sections 2 through 10; and 17 and 18;
Township 37, Range 17, Sections 1 through 18;
Township 37, Range 18, Sections 1 through 10; and 17 and 18.

3. The Ridge Lakes are those lakes located anywhere within Highlands County and Polk County within the boundaries of the Southwest Florida Water Management District within the following Sections:

All of Highlands County within the boundaries of the Southwest Florida Water Management District, and that portion of Polk County within the Southwest Florida Water Management District and within the following sections (all Townships are South; all Ranges are East):
Township 26, Range 25: Partial Section 36 South of Interstate 4
Township 26, Range 26: Partial Sections 28, 29, 31, and 32 South of Interstate 4 and whole Section 33
Township 27, Range 25: Partial Sections 1, 2, 7, and 8 South of Interstate 4 and whole Sections 9 through 29, and 32 through 36
Township 27, Range 26: Sections 4 through 9, 16 through 21, and 25 through 36
Township 27, Range 27: Sections 25 through 36
Township 27, Range 28: Section 31
Township 28, Range 25: Sections 1 through 4, 9 through 15, 22 through 26, and 35 through 36
Township 28, Range 26: All Sections
Township 28, Range 27: All Sections
Township 28, Range 28: Sections 6 through 7, 17 through 22, 27 through 32, and Section 34
Township 29, Range 25: Sections 1, 2, and 11 through 14
Township 29, Range 26: Sections 1 through 18, and 23 through 24
Township 29, Range 27: All Sections
Township 29, Range 28: Sections 6 through 7, and 18 through 36
Township 29, Range 29: Sections 19, 30, 31
Township 30, Range 27: All Sections
Township 30, Range 28: All Sections
Township 30, Range 29: Sections 5 through 8, 18, 19, 30, 31
Township 31, Range 27: All Sections

Township 31, Range 28: All Sections

Township 31, Range 29: Section 6

Township 32, Range 27: All Sections

Township 32, Range 28: All Sections

4.2- Regulations applicable to this Water Use Caution Area are specified in this chapter and in the Basis described in Rule 40D-2.091, F.A.C., and are incorporated into this rule. Regulations filed with the Secretary of State in June 2006 relating to the SWUCA shall become effective December [6 months from effective date of this rule], 2006. Regulations relating to SWUCA effective January 1, 2003 and December [6 months from effective date of this rule], 2006, are not intended to affect, and shall not be construed to affect, any water use permit that does not have a withdrawal point within the SWUCA.

5.3- Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one Water Use Caution Area (WUCA) shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including Minimum Flows and Levels requirements, as set forth in Chapter 40D-2, F.A.C. and this Basis of Review for Water Use Permit Applications.

6.4- All Water Use Permits with withdrawal points within the SWUCA Water Use Caution Area are hereby modified to conform with this paragraph 40D-2.801(3)(b)(d), F.A.C., except as provided in subparagraph 5., above, and the applicable SWUCA criteria specified in Chapters 3, 4, 5, and 6 of the Basis of Review described in Rule 40D-2.091, F.A.C., are incorporated into all such Water Use Permits.

~~5. In order to ensure that actual ground water use does not worsen the water resource problems in the SWUCA, the District will monitor usage by water use category. Whenever the water used by any category of user, except public supply, during the preceding three years exceeds water used by that category from January 1, 1989 through December 31, 1991, a study will be initiated. The study will determine why current usage by that category of user exceeded usage in the years 1989 through 1991. The study will be based primarily on water use data for the category of user studied rather than on seasonal or localized changes in the potentiometric surface. The study will be provided to the Board for it to determine if rulemaking or other actions should be taken.~~

7. The SWUCA is a water resource caution area for purposes of Chapter 403, F.S., and Chapter 62-40, F.A.C.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented ~~373.0395,~~ 373.042, 373.0421, 373.171, 373.216, 373.219, 373.223 FS. History—Readopted 10-5-74, Formerly 16J-3.30, Amended 10-1-89, 11-15-90, 3-1-91, 7-29-93, 1-1-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July, 15, 2004; October 18, 2004; November 8, 2004 and December 6, 2004. In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NOS.:	RULE TITLES:
40D-8.041	Minimum Flows
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

PURPOSE AND EFFECT: To establish minimum flows and levels for the Southern Water Use Caution Area for the Most Impacted Area, the upper Peace River and Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County.

SUMMARY: Minimum flows proposed for the upper Peace River to ensure that the minimum hydrologic requirements of fish and natural systems associated with the upper segment of the river are met and not jeopardized by withdrawals. The upper segment of the river includes that area between Bartow and Zolfo Springs. The minimum flows are based on the hydrologic requirements of biological communities associated with the upper Peace River system, as well as considering non-consumptive uses including fishing, wildlife observation, general recreation, aesthetic enjoyment, canoeing and boating. The minimum flows will be supported by District water development projects.

The District also proposes minimum low and minimum high lake levels, as well as the ten-year flood, and high and low guidance levels for Lakes Jackson, Letta, Lotela and Little Lake Jackson on the Highlands County Ridge and Lakes Clinch, Eagle, McLeod and Wales in Polk County. The High Minimum Lake Level is the elevation that a lake's water levels

are required to equal or exceed 10 percent of the time on a Long-term basis. The Minimum Lake Level is the elevation that the lake's water levels are required to equal or exceed 50 percent of the time on a Long-term basis. The High and Low Guidance Levels and the Ten-year Flood Guidance Level are advisory guidelines for lakeshore development of, including water dependent structures and operation of water management structures.

A minimum aquifer level is proposed for the coastal portion of the Southern Water Use Caution Area in southern Hillsborough, Manatee and northern Sarasota counties. The minimum aquifer level is to stabilize regional ground water level declines so that long-term management efforts can slow the rate of regional saltwater intrusion in the area.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum flows and levels, and the rules proposed simultaneously in 40D-2 and 40D-80 to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a Statement of Estimated Regulatory Cost as set forth in section 120.541(1)(c), F.S., are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULES IS:

<u>Table 8-8 Minimum Flows for the upper Peace River</u>	
<u>Location/Gage</u>	<u>Minimum Flow (cubic feet per second)</u>
<u>Bartow / USGS Bartow River Gage No. 02294650</u>	<u>Annual 95% exceedance flow of 17 cfs</u>
<u>Fl. Meade / USGS Fl. Meade River Gage No. 02294898</u>	<u>Annual 95% exceedance flow of 27 cfs</u>
<u>Zolfo Springs / USGS Zolfo Springs River Gage No. 02295637</u>	<u>Annual 95% exceedance flow of 45 cfs</u>

(d) Compliance – The Minimum Low Flow is achieved when the measured flow rate is at or above the Minimum Low Flow for three consecutive years. Once the Minimum Low Flow has been achieved for three consecutive years, the Minimum Low Flow is not met when the measured flow rate is below the Minimum Low Flow for two out of ten years

40D-8.041 Minimum Flows.

(1) through (3) No change.

(4) Minimum Flows for upper Peace River.

(a) Over the last several decades there has been a significant decline in flow in the upper Peace River, especially during the dry season. One of the major contributing factors is the elimination of baseflow as a result of ground water withdrawals that have lowered the potentiometric surface of the upper Floridan aquifer. In addition, surface-water drainage alterations, reduction in surface storage, long-term cyclical declines in rainfall and karst openings in the riverbed have played significant roles in reducing flow in the upper Peace River.

(b) The minimum flows are to ensure that the minimum hydrologic requirements of fish and natural systems associated with the river are met and not jeopardized by withdrawals. At this time only Minimum Low Flows are being established. It is anticipated that mid- and high-minimum flows will be established once the controlling factors that affect those flows are better understood.

(c) The Minimum Low Flows for the upper Peace River are set forth in Table 8-8 below. The Minimum Low Flows are established based on the lowest acceptable flow under the lowest anticipated flow conditions. This is determined by providing for the hydrologic requirements of biological communities associated with the upper Peace River system, as well as considering non-consumptive uses including fishing, wildlife observation, general recreation, aesthetic enjoyment, canoeing and boating. This determination uses professional experience and judgment to identify key habitats and hydrologic requirements for specific biotic assemblages. This approach results in establishing Minimum Low Flows for the upper Peace River based on maintaining the higher of the water elevations needed for fish passage (0.6 feet or 7.2 inches) or the lowest wetted perimeter inflection point (as much stream bed coverage as possible for the least amount of flow) as set forth below. A ninety-five percent annual exceedance occurs when the flow is greater than the Minimum Low Flow at least ninety-five percent of the days, or 350 days, of a calendar year.

commencing the year after achievement. If the two years below the minimum flow occur anytime before the ten year period is complete, the upper Peace River is deemed below its Minimum Low Flow and the three consecutive years above the

Minimum Low Flow is again required for compliance. Once the ten-year period is complete, the period will roll forward one year each year.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421 FS. History—Readopted 10-5-74, Amended 12-31-74, Formerly 16J-0.15, 40D-1.601, Amended 10-1-84, 8-7-00, 2-6-06.

40D-8.624 Guidance and Minimum Levels for Lakes.
(1) through (12) No change.

(13) Levels for lakes established during or after August 7, 2000, are set forth in the following table. After the High Minimum Lake Level and Minimum Lake Level elevation for each lake is a designation indicating the Method used, as described in subsection 40D-8.624(7), F.A.C., to establish the level. Compliance with the High Minimum and Minimum Lake Levels is determined pursuant to paragraphs (6)(b) and (7)(b) above. Guidance Levels established prior to August 7, 2000, are set forth in Table 8-3 in subsection 40D-8.624(14), F.A.C., below.

Location by County and Basin	Name of Lake and Section, Township and Range Information	Ten-Year Flood Guidance Level	High Guidance Level	High Minimum Lake Level	Minimum Lake Level	Low Guidance Level
(a) – (h) No change						
(i) In Highlands County Within the Peace River Basin RESERVED	<u>Jackson Lake</u> <u>S-30 T-24S</u> <u>R-29E</u>	<u>104.1</u>	<u>102.6</u>	<u>102.4</u> <u>(Cat 3)</u>	<u>101.3</u> <u>(Cat 3)</u>	<u>100.2</u>
	<u>Letta Lake</u> <u>S-31 T-33S</u> <u>R-29E</u>	<u>100.5</u>	<u>99.5</u>	<u>99.5</u> <u>(Cat 3)</u>	<u>98.4</u> <u>(Cat 3)</u>	<u>97.1</u>
	<u>Little Jackson Lake</u> <u>S-06 T-35S</u> <u>R-29E</u>	<u>104.1</u>	<u>102.6</u>	<u>102.4</u> <u>(Cat 3)</u>	<u>101.3</u> <u>(Cat 3)</u>	<u>100.2</u>
	<u>Lotela Lake</u> <u>S-26 T-33S</u> <u>R-28E</u>	<u>108.5</u>	<u>107.5</u>	<u>106.8</u> <u>(Cat 3)</u>	<u>105.7</u> <u>(Cat 3)</u>	<u>105.0</u>
(j) – (y) No change						
(z) In Polk County Within the Peace River Basin RESERVED	<u>Clinch Lake</u> <u>S-31 T-31S</u> <u>R- 8E</u>	<u>107.4</u>	<u>105.5</u>	<u>105.5</u> <u>(Cat 3)</u>	<u>104.4</u> <u>(Cat 3)</u>	<u>103.1</u>
	<u>Eagle Lake</u> <u>S-01 T-29S</u> <u>R-25E</u>	<u>131.3</u>	<u>129.6</u>	<u>129.0</u> <u>(Cat 3)</u>	<u>127.9</u> <u>(Cat 3)</u>	<u>127.2</u>
	<u>McLeod Lake</u> <u>S-07 T-29S</u> <u>R-26E</u>	<u>133.3</u>	<u>129.4</u>	<u>129.4</u> <u>(Cat 3)</u>	<u>128.3</u> <u>(Cat 3)</u>	<u>127.0</u>
	<u>Wales Lake</u> <u>S-01 T-30S</u> <u>R-27E</u>	<u>114.1</u>	<u>ND</u>	<u>107.7</u> <u>(Cat 3)</u>	<u>106.6</u> <u>(Cat 3)</u>	<u>ND</u>
(aa) – (cc) No change.						

(14) Guidance Levels established for lakes prior to August 7, 2000, are set forth in the following table:

Location of Impoundment by County and Basin	Ten-Year Flood Guidance Level in Feet Above Mean Sea Level (msl)	High Level in Feet Above Mean Sea Level (msl)	Low Level in Feet Above Mean Sea Level (msl)	Extreme Low Level in Feet Above Mean Sea Level (msl)
(a) – (h) No change.				

(i) In Highlands County Within the Peace River Basin LAKES Sec Twsp Rng				
Jackson, Lake 30 34S 29E	103.20	103.00	100.00	98.00
Letta, Lake 31 33S 29E	100.00	100.00	97.00	95.00
Little Lake Jackson 6 35S 29E	103.20	103.00	100.00	98.00
Lotela, Lake 26 33S 28E	106.60	108.50	105.00	104.00
(j) – (y) No change.				
(z) In Polk County Within the Peace River Basin				
Clinch, Lake 31 31S 28E	108.00	106.75	104.00	102.50
Eagle Lake 1 29 25E	131.00	130.75	128.50	126.50
Lake McLeod 7 29 26E	133.10	132.00	129.50	128.00
Wales, Lake S01 T30 R27	114.10	112.50	110.00	108.00
(aa) – (cc) No change.				

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History—New 6-7-78, Amended 1-22-79, 4-27-80, 10-21-80, 12-22-80, 3-23-81, 4-14-81, 6-4-81, 10-15-81, 11-23-81, 1-5-82, 3-11-82, 5-10-82, 7-4-82, 9-2-82, 11-8-82, 1-10-83, 4-3-83, 7-5-83, 9-5-83, 10-16-83, 12-12-83, 5-8-84, 7-8-84, 12-16-84, 2-7-85, 5-13-85, 6-26-85, 11-3-85, 3-5-86, 6-16-86, Formerly 16J-8.678, Amended 9-7-86, 2-12-87, 9-2-87, 2-18-88, 6-27-88, 2-22-89, 3-23-89, 9-26-89, 7-26-90, 10-30-90, 3-3-91, 9-30-91, 10-7-91, 7-26-92, 3-1-93, 5-11-94, 6-6-96, 2-23-97, 8-7-00, 1-8-04, 12-10-04, 6-5-05.

40D-8.626 Minimum Aquifer Levels in Hillsborough County North of State Road 60, and Pasco and Pinellas Counties.

(1) Hillsborough County North of State Road 60, and Pasco and Pinellas Counties Salt Water Intrusion Minimum Aquifer Levels. Salt Water Intrusion within this area has not been regional in nature, but is of localized concern in some coastal areas. The District has chosen the North Pinellas, Southwest Pasco and Northwest Hillsborough Counties region as the priority area for the establishment of Salt Water Intrusion Minimum Aquifer Levels (“SWIMAL”) to prevent regional seawater intrusion because of the availability of data and the potential for future intrusion. The SWIMALs for the Upper Floridan aquifer shall be established as follows:

- (1) through (3) renumbered (a) through (c) No change.
- (2) SWUCA Salt Water Intrusion Minimum Aquifer Level.

(a) The District has determined that ground water withdrawals in the SWUCA have contributed to water level declines that advance saltwater intrusion. The coastal portion of the SWUCA in southern Hillsborough, Manatee and northern Sarasota counties (the Most Impacted Area or MIA) is a priority area for the establishment of minimum aquifer levels

because of its proximity to the saltwater interface and the large effect on interface movement caused by lowering of the potentiometric surface in this area. The Salt Water Intrusion Minimum Aquifer Level (SWIMAL) is established to stabilize regional water level declines so that long-term management efforts can slow the rate of regional saltwater intrusion in the MIA. This is based on an average value to address the regional nature of the problem and avoids the potential for localized lowering of a minimum level.

(b) The SWIMAL over the surface of the MIA is 13.1 feet (National Geodetic Vertical Datum of 1929 or NGVD 1929). The SWIMAL is derived using the method set forth in paragraph (2)(c) below.

(c) The reference period for which the SWIMAL is calculated is the period 1990 through 1999. Ten wells from within or adjacent to the MIA (Table 8-5), are used to determine the minimum level. The annual average elevation for each of the years 1990 through 1999 is established utilizing monthly water level data for each of the wells. The annual averages over the period are then used to calculate the decadal average for the period. The 1990-99 average Upper Floridan aquifer potentiometric surface of the MIA is constructed by calculating the average of these annual average values weighted spatially using the Thiessen polygon methodology. The resulting Minimum Level over the surface of the MIA is 13.1 feet (National Geodetic Vertical Datum of 1929). Table 8-5: Wells utilized to determine the Salt Water Intrusion Minimum Aquifer Level.

Site Number	Sequence Number	Site Name
<u>564</u>	<u>0</u>	<u>KIBLER DEEP</u>
<u>87</u>		<u>ROMP 123 Hawthorn/Ocala</u> <u>HAWTHORN/OCALA</u>
<u>10914</u>	<u>0</u>	<u>ROMP 50 TAMPA/OCALA</u>
<u>10883</u>	<u>0</u>	<u>ROMP TR 10-2 TAMPA</u>
<u>287</u>	<u>0</u>	<u>ROMP TR 7-1 TAMPA</u>
<u>10926</u>	<u>0</u>	<u>ROMP TR 7-4 Suwannee/Ocala</u> <u>SUWANNEE/OCALA</u>
<u>10920</u>	<u>0</u>	<u>ROMP TR 8-1 Upper Avon Park PARK</u>
<u>10909</u>	<u>1</u>	<u>ROMP TR 9-3 Ocala/Avon Park</u>
<u>561</u>	<u>0</u>	<u>SARASOTA 9 DEEP</u>
<u>456</u>	<u>0</u>	<u>VERNA 1 0-4</u>

(d) Implementation of The SWUCA Salt Water Intrusion Minimum Aquifer Level – The SWIMAL shall be used to gauge the status of the ground water resource with respect to saltwater intrusion in the region. Determining the status of the rate of movement of the saltwater interface shall be based on comparison of the average Floridan aquifer water level over the MIA with the Floridan aquifer minimum level over ten-year moving windows of time. The ten-year average water level for a particular year shall be calculated as the average water level for that year and the previous nine years. The process of calculating the ten-year average is the same as described in section (c) above for calculating the minimum level.

(e) Compliance – The objective of the District's management efforts is for the ten-year moving annual average water level to fluctuate in a range at or above the minimum level. The minimum level is achieved if the ten-year moving annual – average water level has fluctuated at or above the minimum level for a minimum of five consecutive years. Once the minimum level is achieved, the minimum level is no longer met when the ten-year moving annual average water level falls below the minimum level for more than two consecutive years. Then, the five consecutive years above the minimum level is again required for compliance.

Specific Authority 373.044,373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS. History–New 8-7-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 15, 2004; October 18, 2004; November 8, 2004 and December 6, 2004. In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40D-80 Recovery and Prevention Strategies for Minimum Flows and Levels

RULE NO.: RULE TITLE:

40D-80.074 Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area

PURPOSE AND EFFECT: To adopt rules describing the recovery strategy for minimum flows and levels within the Southern Water Use Caution Area which minimum flows and levels are being developed simultaneously with these rules.

SUMMARY: The proposed rule describes the overall regulatory, and non-regulatory mechanisms the District will use to achieve the recovery required by Section 373.0421, F.S., for minimum flows and levels being established for the Southern Water Use Caution Area pursuant to Section 373.042, F.S., simultaneously with this rule. This proposed rule also describes how recovery will be monitored and the recovery mechanisms adjusted if needed to achieve recovery to the minimum flows and levels by the year 2025.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A Statement of Estimated Regulatory Cost, final draft dated March 14, 2006, has been prepared addressing the impact of the proposed minimum

flows and levels, and the rules proposed simultaneously in 40D-2 and 40D-80 to implement the minimum flows and levels within the Southern Water Use Caution Area (the "SWUCA SERC"). The items to be addressed in a Statement of Estimated Regulatory Cost as set forth in section 120.541(1)(c), F.S., are included in the SWUCA SERC. The SWUCA SERC is available upon request to the District.

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

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.171 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE FULL TEXT OF THE PROPOSED RULE IS:

40D-80.074 Regulatory Portion of Recovery Strategy for the Southern Water Use Caution Area.

(1) Background.

Section 373.042, F.S., requires the District to establish Minimum Flows and Levels for priority waters within its boundaries. The District has established Minimum Flows and Levels (MFLs) within the Southern Water Use Caution Area (SWUCA), described in paragraph 40D-2.801(3), F.A.C., which includes all or portions of Hillsborough, Polk, Highlands, Hardee, DeSoto, Manatee, Sarasota, and Charlotte counties. In establishing the MFLs, the District determined that the existing flow rates and water levels of some of the priority waters are below the MFLs established for them. In such circumstances Section 373.0421, F.S., requires the District to implement a recovery strategy. The District has developed a recovery strategy that includes both regulatory and non-regulatory mechanisms as described in the SWUCA Recovery Strategy, dated _____, 2006. The regulatory approach does not make impacts on an MFL water body from permitted quantities existing as of [the effective date of rule] a basis for permit denial because the Recovery Strategy taken as a whole is intended to achieve recovery to the established minimum flows and levels as soon as practicable. The Recovery Strategy involves water supply planning, an emphasis on conservation, the development of alternative water supplies to meet growing demands and allows for reductions in existing ground water withdrawals that are impacting water bodies with established MFLs, restoration of

water bodies and flow patterns, and the regulation of existing and new water withdrawals. This Rule 40D-80.074, F.A.C., describes the regulatory approach of the Recovery Strategy.

(2) Objectives of Recovery Strategy.

Long-term (as defined in section 4.3 A of the Basis of Review for Water Use Permits, incorporated by reference in Rule 40D-2.091, F.A.C.) flow rates and water levels for most MFL water bodies are below the MFLs predominantly because ground water withdrawals have lowered Floridan aquifer levels in the SWUCA. As a result of the lowered aquifer levels, salt water intrusion is occurring, and river flows and lake levels are impacted by reduced water levels, including some of those rivers and lakes for which MFLs have been established. The goals of the District's Recovery Strategy are the recovery of flows and levels to the MFLs and the provision of sufficient water supplies for all existing and projected reasonable-beneficial uses. The MFLs for rivers, lakes and aquifers are described in and established in paragraph 40D-8.041(2), F.A.C., and Table 8-5 in Rule 40D-8.624, F.A.C., and Table 8-2 and Rule 40D-8.626, F.A.C., Table 8-6. The District intends to maintain on its website at www.swfwmd.state.fl.us a current listing of those water bodies for which a recovery or prevention strategy is in effect.

(3) Recovery Strategy Mechanisms.

(a) The non-regulatory mechanisms include conservation and water resource development efforts intended to increase the availability of alternative water supplies and to enhance the water resources of the SWUCA. Conservation, transitions in land use from agricultural to other use or changes in supply source, and the availability of alternative water supplies will help meet growing water demands in the SWUCA, and will also allow for reductions in ground water withdrawals.

(b) The guiding principles for the regulatory portion of the Recovery Strategy are that it should:

1. Contribute significantly to resource management and recovery;

2. Protect the investments of existing water use permit holders; and,

3. Allow for economic expansion and new economic activities in the SWUCA.

In addition, the District recognizes that the water resources in the SWUCA are subject to varying degrees of stress. The regulatory component of the Recovery Strategy has been designed in recognition of these variations. How water use permit applications will be affected by the regulatory mechanisms will vary depending on the resource conditions in the area affected by a proposed withdrawal and the extent to which the withdrawals will contribute to these resource conditions. For example, the regulatory mechanisms continue the existing "Most Impacted Area" (MIA) designation in coastal portions of southern Hillsborough, Manatee and northern Sarasota counties. The Salt Water Intrusion Minimum Aquifer Level is established within the MIA. New ground

water withdrawals within the MIA and the area surrounding the MIA that impact salt water intrusion will be affected more by the MIA designation and the Salt Water Intrusion Minimum Aquifer Level, than will permit applications for new ground water withdrawals in the eastern portions of the SWUCA. Conversely, permit applications for new ground water withdrawals in the coastal areas will be much less affected by the MFLs established for the upper Peace River and the priority lakes in Polk and Highlands counties than permit applications for new ground water withdrawals on the Lake Wales Ridge.

(c) The water use permitting rules in Chapter 40D-2, F.A.C., address water conservation, alternative water supplies and recovery to MFLs. These water conservation and alternative water supplies rules include the amendments to Chapter 40D-2, F.A.C., _____, 1990, January 1, 2003, as well as subsequent rules adopted as of _____, 2006, developed in conjunction with the implementation of the Minimum Flows and Levels Recovery Strategy. In combination, these rules result in more efficient use of water and a lessening of impacts from withdrawals on water bodies with established MFLs.

(4) Restoration of river flows and lake levels.

In addition to the reduction of pumpage and permitted quantities, and the development of new water supplies, the supplemental augmentation of rivers and lakes that are below their established Minimum Flow or Level will contribute to the attainment of the objectives of the Recovery Strategy set forth in paragraph 40D-80.074(2), F.A.C. The District will reserve quantities of water from water sources necessary for such augmentation.

(5) Periodic Review of Recovery Strategy.

(a) The Governing Board will measure progress based on an annual assessment of the water resource criteria and cumulative impact analysis described below.

1. The water resource criteria referred to above are:

- a. Improving upper Peace River flows and Ridge Lake water levels;
- b. Maintaining or increasing ground water levels below the upper Peace River and in the Ridge Lakes area; and
- c. Increasing ground water levels in the Upper Floridan aquifer within the Most Impacted Area and the reduction in the rate of salt water intrusion.

2. The cumulative impact analysis referred to above consists of the following:

- a. The development of alternative water supplies;
- b. The effects of water conservation;
- c. The hydrologic conditions and patterns;
- d. The effects of climatic conditions;
- e. The effects of water resource development activities;

f. The changes in amounts, distributions and use types of existing and new water use withdrawals (actual and permitted) within the SWUCA; and

g. The effect of land use changes on the water resources.

(b) Results of the annual assessment referred to above will be reported to the Governing Board on an annual basis.

(c) In addition to the annual assessments referred to the District will review the Recovery Strategy at least every five years to assess its progress as part of updating its Regional Water Supply Plan. If the annual assessments or five-year reviews do not indicate progress, the Governing Board will revise the Recovery Strategy, as appropriate, to achieve progress.

(6) The provisions of paragraphs 40D-80.074(1)-(4), F.A.C., are informational, intended to provide an overview of resource conditions related to the water bodies for which minimum flows and levels have been established and the components of the Recovery Strategy. The provisions of the SWUCA minimum flows and levels and permitting rules in Chapters 40D-2, 40D-4 and 40D-80, F.A.C., shall control in the event of any conflict or inconsistency with the provisions of paragraphs 40D-80.074(1)-(4), F.A.C.

(7) The District recognizes that although the rate of salt water intrusion (SWI) will be reduced through implementation of the Recovery Strategy, some existing legal uses of water may be affected by the continued movement of the salt water interface. The District's water supply planning indicates that much of the area potentially susceptible to SWI is experiencing land use transition from traditionally agricultural lands to forms of urban development. The water needs of these new land uses are planned to be met with alternative water supplies funded all or in part by the District to the greatest extent practical. In those cases where the existing permittee, impacted by SWI, desires to continue the existing legal water use, the District has a number of programs that address that situation. The District will make available its various preventative and remedial programs to permittees potentially at risk of salt water intrusion such as the Quality of Water Improvement Program (QWIP), the Facilitating Agricultural Resource Management Systems (FARMS) program, the New Water Source Initiative, the Water Supply and Resource Development Program, and the Cooperative Funding Program (as it relates to replacement of potentially affected water sources with alternative water supplies).

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.171 FS. History- New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Southwest Florida Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July, 15, 2004; October 18, 2004; November 8, 2004 and December 6, 2004. In addition, the District's Southern Water Use Caution Area public/staff work group met and public workshops were held on January 19, 2005 and September 19, 2005. The proposed rules were also considered during the District's Governing Board monthly meetings on January 25, 2005; August 30, 2005; October 25, 2005; December 1, 2005; January 24, 2006; February 21, 2006 and March 28, 2006, all of which were noticed in the FAW.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.001	Medicaid Providers Who Bill on the CMS-1500

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006. Effective February 10, 2006, ambulance and wheelchair/stretchers van providers billing on paper must use the CMS-1500 claim form instead of the Emergency Transportation 131 and Non-Emergency 131-A claim forms. The handbook was revised to include instructions for ambulance and wheelchair/stretchers van billing. In addition, we added instructions for the archive void and adjustment processing. The effect will be to incorporate the revised Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, into rule.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006. The effect will be that the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, will be incorporated in rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs was prepared.

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

SPECIFIC AUTHORITY 409.919 FS.

LAW IMPLEMENTED 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, May 16, 2006, 11:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, FL 32308, (850)488-9711

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.001 Medicaid Providers Who Bill on the CMS-1500.

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006 ~~October 2003~~, which is incorporated by reference ~~and available from the fiscal agent.~~ The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0008 Form CMS-1500 (12-90), one page double-sided; and in Chapter 2, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.: State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one-page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid>.

acs-inc.com. Click on Provider Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History—New 10-1-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Girard
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NOS.:	RULE TITLES:
59G-4.015	Ambulance Transportation Services
59G-4.330	Transportation Services

PURPOSE AND EFFECT: The purpose of promulgating Rule 59G-4.015, F.A.C., is to incorporate by reference the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006. Effective February 10, 2006, ambulance providers billing on paper must use the CMS-1500 claim form instead of the Emergency Transportation 131 and Non-Emergency 131-A claim forms. The handbook was revised to replace references to the Emergency Transportation 131 and Non-Emergency 131-A claim forms with references to the CMS-1500 claim form. The effect of promulgating rule 59G-4.015 will be to incorporate the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006, into rule.

The purpose the rule amendment to Rule 59G-4.330, F.A.C., is to delete reference to ambulance transportation from the rule. Because Medicaid has separate handbooks for ambulance transportation services and non-emergency transportation services provided by other types of transportation vendors, Medicaid is promulgating a new rule for ambulance services and deleting the references to ambulance services from Rule 59G-4.330, F.A.C., Transportation Services. The effect of the rule amendment to Rule 59G-4.330, F.A.C., will be to delete references to ambulance transportation services from the rule.

SUMMARY: The purpose of this Rule 59G-4.015, F.A.C., is to incorporate by reference the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006. The effect of promulgating Rule 59G-4.015, F.A.C., will be to incorporate the revised Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006, into rule.

The purpose of the rule amendment to Rule 59G-4.330, F.A.C., is to delete the references to ambulance services from Rule 59G-4.330, F.A.C., Transportation Services. The effect of the rule amendment to Rule 59G-4.330, F.A.C., will be to delete references to ambulance transportation services from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908, 409.9081 FS.

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

DATE AND TIME: Tuesday, May 16, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-4481

THE FULL TEXT OF THE PROPOSED RULES IS:

59G-4.015 Ambulance Transportation Services.

(1) This rule applies to all ambulance transportation providers enrolled in the Florida Medicaid program.

(2) All ambulance transportation providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Ambulance Transportation Services Coverage and Limitations Handbook, February 2006, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.907, 409.908, 409.9081 FS. History—New _____.

59G-4.330 Transportation Services.

(1) through (2) No change.

~~(3) All ambulance transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at~~

~~<http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.~~

~~(4) The following forms that are included in the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook are incorporated by reference: the Emergency Transportation 131 Claim Form, 10/2003, and the Non-Emergency Transportation 131-A Claim Form, 10/2003. The forms are available from the Medicaid fiscal agent.~~

~~Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.907, 409.908, 409.9081, 409.910, 409.913 FS. History—New 1-1-77, Amended 10-1-77, 1-27-81, 8-28-84, Formerly 10C-7.45, Amended 4-13-93, Formerly 10C-7.045, Amended 1-7-98, 12-15-05,~~

NAME OF PERSON ORIGINATING PROPOSED RULE:
Glen Davis
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 20, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.060
RULE TITLE: Dental Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006. The handbook revisions include policy clarifications and a revised Medicaid Orthodontics Initial Assessment Form and Medicaid Behavioral Management Report Form. The effect will be to incorporate by reference in the rule the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006.
SUMMARY: The purpose of the proposed rule amendment is to incorporate by reference the revised Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006. The effect will be to incorporate by reference in the rule the Florida Medicaid Dental Services Coverage and Limitations Handbook, January 2006.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory costs was prepared.

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

SPECIFIC AUTHORITY: 409.919 FS.
LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, May 15, 2006, 1:30 p.m.
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.060 Dental Services.

(1) No change.

(2) All dental services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Dental Services Coverage and Limitations Handbook, January ~~2006~~ ~~2004~~, ~~updated January 2005~~, and the Florida Medicaid Provider Reimbursement Handbook, Dental 111, October 2003, which are incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. All handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

(3) The following ~~forms form~~ that ~~are is~~ included in the Florida Medicaid Dental Services Coverage and Limitations Handbook ~~are is~~ incorporated by reference: Medicaid Orthodontic Initial Assessment Form (IAF), January ~~2006~~ ~~2005~~, ~~five two~~ pages, located in Appendix A; and the Medicaid Behavioral Management Report, January 2006, ~~one page~~, located in Appendix E. The ~~forms are form-is~~ available by photocopying ~~them #~~ from the handbook.

~~Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History—New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05,~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Mary Cerasoli
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 6, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 27, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums, and Mobile Homes

RULE NO.: 61B-75.004
 RULE TITLE: Audio or Video Recording of Meetings

PURPOSE AND EFFECT: Section 719.106(1)(c), Florida Statutes, requires the Division to adopt reasonable rules to govern a member's tape recording and videotaping of a cooperative association's board of administration meetings. This proposed rule would provide that unit owners are entitled to tape record or videotape board, committee or unit owner meetings, but only through the use of electronic audio or video equipment or devices that do not produce distracting light or sound. The rule also provides that the board or unit owners may adopt written rules requiring set up of such audio or video recording equipment before the beginning of the meeting; restricting the person recording the meeting from moving around the meeting room to facilitate such recording; and obliging that advance notice to the board or unit owners be given of one's intent to record the meeting.

SUMMARY: To provide reasonable rules governing audio or video recording of a cooperative's administrative meetings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of estimated regulatory costs has been prepared.

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

SPECIFIC AUTHORITY: 719.106(1)(c) FS.

LAW IMPLEMENTED: 719.106(1)(c) FS.

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

DATE AND TIME: May 15, 2006, 10:00 a.m.

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

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030, within 21 days of this notice. Written comments received after the hearing may not be considered.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing is asked to advise the agency at least 48 hours before the hearing by contacting Sharon A. Malloy,

Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-75.004 Audio or Video Recording of Meetings.

Any unit owner is entitled to tape record or videotape meetings of the board of administration, committee meetings, or unit owner meetings, subject to the following restrictions:

(1) The only audio and video equipment and devices which unit owners are authorized to utilize at any such meeting is equipment which does not produce distracting sound or light emissions.

(2) If adopted in advance by the board or unit owners as a written rule, audio and video equipment shall be assembled and placed in position in advance of the commencement of the meeting.

(3) If adopted in advance by the board or unit owners as a written rule, anyone videotaping or recording a meeting shall not be permitted to move about the meeting room in order to facilitate the recording.

(4) If adopted in advance by the board or unit owners as a written rule, advance notice shall be given to the board by any unit owner desiring to utilize any audio or video equipment.

Specific Authority 719.106(1)(c) FS. Law Implemented 719.106(1)(c) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rudolph Prinz, Chief of Standards and Registration, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Simone Marsteller, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 5, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.: 61G14-19.001
 RULE TITLE: Percentage of Gross Pilotage Assessed

PURPOSE AND EFFECT: The proposed rule amendment is intended to increase the gross pilotage assessment.

SUMMARY: The proposed rule amendment increases the gross pilotage assessment from .1% to .7%.

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

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

SPECIFIC AUTHORITY: 310.131, 310.185 FS.

LAW IMPLEMENTED: 310.131 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G14-19.001 Percentage of Gross Pilotage Assessed.

(1) The Department of Business and Professional Regulation shall assess the pilots in the respective ports of the state ~~seven tenths one tenth~~ of one percent ~~(.7%) (-1%)~~ of the gross amount of pilotage earned by said pilots during each year. For the purposes of said assessment, the gross amount of pilotage earned shall be the amount of money collected by each pilot or by each entity of which the pilot is a member for piloting which shall include and not be limited to payment for piloting vessels to and from ports of this state, docking or undocking vessels, shifting vessels, running lines, delivering orders at sea, cancelled orders, boat service, detention, pilots being carried to sea, anchoring vessels, and any other related services rendered. Funds collected due under this are to be made payable to the Board and paid by the fifteenth of the following month. When received, the funds are paid into the Professional Regulation Trust Fund as created within the Department.

(2) No change.

THIS RULE SHALL TAKE EFFECT JULY 1, 2006.

Specific Authority 310.131, 310.185 FS. Law Implemented 310.131 FS. History—New 2-5-76, Amended 1-19-77, 1-1-78, 12-7-78, 11-1-81, 6-8-82, 8-9-82, 7-31-83, Formerly 21SS-3.01, Amended 5-30-89, 2-19-90, 12-30-91, 12-2-92, Formerly 21SS-3.001, 21SS-19.001, Amended 3-20-94, 1-5-95, 1-30-96, 3-17-96, 11-21-96, 8-25-97, 1-26-99, 1-31-01, 8-1-02, 7-8-03, 2-17-05, 10-02-05, 2-1-06, 5-1-06, 7-1-06.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Pilot Commissioners

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 11, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-20.007
 RULE TITLE: Foreign Degrees

PURPOSE AND EFFECT: Purpose and effect is to delete one of the approved evaluation services because the evaluations do not conform to Board standards.

SUMMARY: One of the approved evaluation services is deleted.

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

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

SPECIFIC AUTHORITY: 471.008 FS.

LAW IMPLEMENTED: 471.013, 471.015 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-20.007 Foreign Degrees.

(1) through (3) No change.

(4) The applicant must request an evaluation of substantial equivalency of his or her credentials to EAC/ABET standards through either Engineering Credentials Evaluation International, 111 Market Place, #171, Baltimore, Maryland 21202; Foreign Credentials Service of America, 1910 Justin Lane, Austin, Texas 78757-2411; or Joseph Silny & Associates, Inc., P. O. Box 248233, Coral Gables, Florida 33124.

(5) No change.

Specific Authority 471.008 FS. Law Implemented 471.013, 471.015 FS. History—New 7-20-95, Amended 6-5-96, 4-16-98, 1-17-99, 7-28-99, 1-6-02, 6-13-02, 6-30-02, 10-2-03, 6-16-04, 3-13-05, 5-1-05, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-22.011
 RULE TITLE: Board Approval of Continuing Education Providers

PURPOSE AND EFFECT: Purpose and effect is to extend the renewal date for exempt continuing education providers.

SUMMARY: The renewal date for exempt continuing education providers is extended.

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

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

SPECIFIC AUTHORITY: 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-22.011 Board Approval of Continuing Education Providers.

(1) through (8) No change.

(9) The following providers shall be approved as providers until ~~May 31, 2009~~ ~~July 1, 2006~~, and the Board shall accept their courses for continuing education credit:

(a) through (c) No change.

Specific Authority 455.213(6), 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 471.008, 471.017(3), 471.019 FS. History—New 9-16-01, Amended 9-4-02, 12-21-03, 8-8-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NOS.: 61G17-6.0031, 61G17-6.005, 61G17-6.0051, 61G17-6.0052, 61G17-6.006, 61G17-6.007
 RULE TITLES: Boundary Survey, Map, and Report or As-Built Survey, Quantity Survey Control Surveys Specific Purpose Surveys and Maps Miscellaneous Horizontal and Vertical Controls for Public and Private Construction Layout

PURPOSE AND EFFECT: Repeal Rules 61G17-6.005, 6.0051, 6.0052, 6.006 and 6.007, F.A.C.

SUMMARY: Repealing the above referenced rules.

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

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

SPECIFIC AUTHORITY: 472.008, 472.027 FS.

LAW IMPLEMENTED: 472.027, 472.003(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE FULL TEXT OF THE PROPOSED RULES IS:

61G17-6.0031 Boundary Survey, Map, and Report.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 2-20-96, Amended 5-25-99, 3-25-01, Repealed _____.

61G17-6.005 Construction Layout Survey, Record or As-Built Survey, Quantity Survey.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 9-1-81, Formerly 21HH-6.05, Amended 12-18-88, Formerly 21HH-6.005, Amended 12-25-95, 5-18-00, 3-25-01, Repealed _____.

61G17-6.0051 Control Surveys.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 12-18-88, Formerly 21HH-6.0051, Amended 12-25-95, 5-13-96, 5-18-00, Repealed _____.

61G17-6.0052 Specific Purpose Surveys and Maps.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History—New 12-25-95, Repealed _____.

61G17-6.006 Miscellaneous.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.027 FS. History--New 8-7-81, Amended 12-30-81, 7-29-85, Formerly 21HH-6.06, Amended 4-29-86, 12-18-88, Formerly 21HH-6.006, Amended 12-25-95, Repealed.

61G17-6.007 Horizontal and Vertical Controls for Public and Private Construction Layout.

Specific Authority 472.008, 472.027 FS. Law Implemented 472.003(3), 472.027 FS. History--New 5-20-92, Formerly 21HH-6.007, Amended 12-25-92, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Professional Surveyors and Mappers
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Professional Surveyors and Mappers
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NOS.:	RULE TITLES:
64B18-14.002	Penalties
64B18-14.010	Citations

PURPOSE AND EFFECT: The Board proposed the amendment to Rule 64B18-14.002, F.A.C., to add penalties for not submitting or updating required information within the 45 day time limit. The Board proposes the amendment to Rule 64B18-14.010, F.A.C., to add penalties for failure to comply with Section 456.039(3)(b), Florida Statutes.

SUMMARY: The proposed amendment to Rule 64B18-14.002, F.A.C., is to add penalties for not submitting or updating required information within the 45 day time limit and to Rule 64B18-14.010, F.A.C., is to add penalties for failure to comply with Section 456-039(3)(b), Florida Statutes.

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

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

SPECIFIC AUTHORITY: 456.078, 456.079(1), 461.005, 461.013(4) FS.

LAW IMPLEMENTED: 456.039(3)(b), 456.057, 456.062, 456.077, 456.079, 456.012, 461.013(4), 461.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Executive Director, Board of Podiatric Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULES IS:

64B18-14.002 Penalties.

(1) No change.

(2) Unless mitigating or aggravating factors are demonstrated when the Board finds an applicant or licensee whom it regulates under Chapter 461, F.S., has committed any of the acts set forth in either Section 461.013(1), 456.013(7), 456.033, 456.053, 456.062, 456.067 or 456.072, F.S., it shall issue a final order imposing appropriate penalties based on the severity and repetition of the offense within the ranges recommended in the following disciplinary guidelines:

(a) through (qq) No change.

(rr) Failure to submit or update required information. The Board shall impose a penalty ranging from a reprimand up to probation plus a fine from \$2,500.00 to \$5,000.00 pursuant to Section 456.039(3)(b), F.S.

Specific Authority 456.039(3), 456.073(3), 456.079, 461.003, 461.005, 461.013 FS. Law Implemented 456.033, 456.053, 456.062, 456.063, 456.067, 456.072, 456.073(3), 456.079, 461.012, 461.013 FS. History--New 11-21-79, Amended 8-31-81, Formerly 21T-14.02, Amended 10-14-68, 12-8-88, 1-19-92, 4-26-93, Formerly 21T-14.002, 61F12-14.002, Amended 2-25-96, 5-29-97, Formerly 59Z-14.002, Amended 11-17-97, 8-24-00, 8-13-02, 4-26-04, _____.

64B18-14.010 Citations.

(1) through (2) No change.

(3) The following violations may be disposed of by the Department by citation with the specified penalty:
VIOLATIONS PENALTY

(a) through (i) No change.

(j). Failure to comply with Section 456.039(3)(b), F.S., a fine of \$50.00 per day.

(4) through (5) No change.

Specific Authority 456.072, 461.005 FS. Law Implemented 456.057, 456.072, 456.077, 461.012, 461.013(7) FS. History--New 1-19-92, Formerly 21T-14.010, 61F12-14.010, Amended 3-26-95, 2-25-96, 6-17-97, Formerly 59Z-14.010, Amended 11-23-00, 8-13-02, 7-26-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Podiatric Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Podiatric Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2005

DEPARTMENT OF HEALTH

School Psychology

RULE NO.: 64B21-504.001
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: To update the rule text.

SUMMARY: Provides levels of discipline for a licensee who has been terminated from a treatment program for impaired practitioners without good cause.

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

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

SPECIFIC AUTHORITY: 456.079 FS.

LAW IMPLEMENTED: 456.072, 456.079, 490.009 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Allen Hall, Program Operations Administrator, Office of School Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B21-504.001 Disciplinary Guidelines.

(1) When the Department finds that an applicant or a licensee has committed any of the acts set forth in Section 490.009(1) or 456.072(1), F.S., it shall issue a final order imposing one or more of the penalties listed in Section 456.072(2), F.S., as recommended in the following disciplinary guidelines. In addition to any other discipline imposed, the Department, pursuant to Section 456.072(4), F.S., shall assess the costs related to the investigation and prosecution of a case. If the violation is for fraud or making false or fraudulent representation, the Department shall impose a fine of \$10,000 per count or offense.

(a) through (z) No change.

(aa) Section 456.072(1)(gg), F.S.:

Being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S., for failure to comply without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug or alcohol treatment program – from suspension and a fine of up to \$1,000 to revocation. For

a second offense, from suspension and a fine of up to \$5,000 to revocation. After a second offense, from suspension and a fine of up to \$7,500 to revocation.

(2) through (3) No change.

Specific Authority 456.079 FS. Law Implemented 456.072, 456.079, 490.009 FS. History–New 9-11-03, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Allen Hall

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 15, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE NOS.: 64F-12.001, 64F-12.015
RULE TITLES: General Regulations; Definitions
Licensing, Application, Permitting

PURPOSE AND EFFECT: The proposed amendment to Rule 64F-12.001, F.A.C., adds the definition of “propagation” as this term appears in the definition of “manufacture” at Section 499.003(27), F.S. The definition clarifies that the manufacturing process includes the various establishments that may be part of that process, including a private relabeler and an affiliated or contract distribution center. The proposed amendment to Rule 64F-12.015, F.A.C., expands the scope of the on-site inspection requirement to additional permit applicants within the scope of Chapter 499, F.S. The amendment to this rule also provides the department with an option to on-site inspection of a permit applicant’s establishment. This option is designed to protect public health when the department’s workload requires an alternative to an inspection. Finally, the proposed amendment to this rule also adopts a new attachment to the Application for Permit under Chapter 499, F.S., which attachment is directed to manufacturer and prescription drug repackager permit applicants located in Florida.

SUMMARY: The proposed amendment to Rule 64F-12.001, F.A.C., adds the definition of “propagation” clarifying that term as it appears in the definition of “manufacture” at Section 499.003(27), F.S. The proposed amendment to Rule 64F-12.015, F.A.C., expands the scope of the on-site inspection requirement to additional permit applicants within the scope of Chapter 499, F.S., provides the department with an option to on-site inspection of a permit applicant’s establishment, and adopts a new attachment to the Application for Permit under Chapter 499, F.S., which attachment is directed to manufacturer and prescription drug repackager permit applicants located in Florida.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS.

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

DATE AND TIME: May 15, 2006, 1:00 p.m. eastern daylight savings time

PLACE: Ramada Inn Conference Center, Windsor Room, 2900 North Monroe Street, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)245-4736

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rebecca Poston, R. Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.001 General Regulations; Definitions.

(1) No change.

(2) In addition to definitions contained in Sections 499.003, 499.012(1), 499.0121(6), 499.0122(1), 499.028(1), and 499.61, F.S., the following definitions apply to Rule Chapter 64F-12, F.A.C.:

(a) through (l) No change.

(m) "Propagation" as used under the definition of "manufacture" at Section 499.003(27), F.S., means for purposes of permitting under Section 499.013, F.S., the holder of an approved New Drug Application (NDA), Abbreviated New Drug Application (ANDA), or New Animal Drug Application (NADA); a private label distributor and the private label distributor's prescription drugs are originally manufactured and labeled for the distributor and have not been repackaged; or the distribution point for the manufacturer, contract manufacturer or private label distributor whether the establishment is a member of the manufacturer's affiliated group or is a contract distribution site.

(n)(m) "Ongoing relationship" means: For a prescription drug other than a specified drug:

1. An association that exists when a manufacturer and a distributor enter into a written agreement under which the distributor is authorized to distribute the manufacturer's product(s) for a period of time or for a number of shipments and at least one sale is made under that agreement; or

2. The name of the authorized distributor of record is entered on the manufacturer's list of authorized distributors of record or equivalent list; or

3. At least three purchases of a manufacturer's product(s) are made directly from that manufacturer within a six month period from the date for which the authorized distributor of record relationship is claimed.

(o)(m) "Practitioner" means a person who is duly licensed and authorized by laws of the state to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(p)(e) "Provides prescription services to the public" – means, for the purposes of the retail pharmacy wholesaler permit, holding the pharmacy out to the public through prominently displayed pharmacy signs on the exterior of the building and adequate inventory on hand to fill a variety of prescriptions for a variety of medical conditions that would be required by the public generally.

(q)(p) "Product" – anything produced or made either naturally or artificially.

(r)(e) "Readily available" and "readily retrievable" mean that records, either hard copy or computerized, are organized in such a manner that they can be quickly and easily retrieved during an inspection; individual records can be produced within minutes of the request (unless the permitted address is not within the state in which case a 48 hour timeframe is available for producing records). Required records that are kept by automatic data processing systems or other electronic or mechanized recordkeeping systems are kept in such a manner so that they can be separated out from all other records in a reasonable time.

(s)(e) "Repackaging or otherwise changing the container, wrapper, or labeling to further the distribution" means:

1. Altering a packaging component that is or may be in direct contact with the drug, device, or cosmetic. For example, repackaging from bottles of 1000 to bottles of 100.

2. Altering a manufacturer's package for sale under a label different from the manufacturer. For example, a kit that contains an injectable vaccine from manufacturer A; a syringe from manufacturer B; alcohol from manufacturer C; and sterile gauze from manufacturer D packaged together and marketed as an immunization kit under a label of manufacturer Z.

3. Altering a package of multiple-units, which the manufacturer intended to be distributed as one unit, for sale or transfer to a person engaged in the further distribution of the product. This does not include:

a. Selling or transferring an individual unit which is a fully labeled self-contained package that is shipped by the manufacturer in multiple units, or

b. Selling or transferring a fully labeled individual unit, by adding the package insert, by a person authorized to distribute prescription drugs to an institutional pharmacy permit, health care practitioner or emergency medical service provider for the purpose of administration and not for dispensing or further distribution.

~~(t)~~(s) "Rx" – means prescription.

~~(u)~~(t) "Sale" – includes any transfer whether by barter, exchange or gift.

~~(v)~~(tt) "Separate and distinct cosmetic product" – a cosmetic product for that establishment which is, or will be sold, distributed, or given away. The adding of color, flavor, or scents does not make a separate and distinct cosmetic product for each variation.

~~(w)~~(v) "Separate and distinct device product" – a device product in its finished form for that manufacturer which is, or will be sold, distributed, or given away. The function or use of the device determines whether a device is separate and distinct.

~~(x)~~(w) "Separate and distinct drug product" – a drug product in the finished form and strength for that manufacturer which is, or will be sold, distributed or given away.

~~(y)~~(x) "Specified drug" means all dosage forms, strengths and container sizes of the following prescription drugs:

1. Bextra (valdecoxib);
2. Celebrex (celecoxib);
4. Crixivan (indinavir sulfate);
5. Diflucan (fluconazole);
6. Epivir (lamivudine);
7. Epogen (epoetin alfa);
8. Gamimune (globulin, immune);
9. Gammagard (globulin, immune);
10. Immune globulin;
11. Lamisil (terbinafine);
12. Lipitor (atorvastatin calcium);
13. Lupron (leuprolide acetate);
14. Neupogen (filgrastim);
15. Nutropin AQ (somatropin, e-coli derived);
16. Panglobulin (globulin, immune);
17. Procrit (epoetin alfa);
18. Retrovir (zidovudine);
19. Risperdal (risperidone);
20. Rocephin (ceftriaxone sodium);
21. Serostim (somatropin, mammalian derived);
22. Sustiva (efavirenz);
23. Trizivir (abacavir sulfate/lamivudine/zidovudine);
24. Venoglobulin (globulin, immune);
25. Viagra (sildenafil citrate);
26. Videx (didanosine);
27. Viracept (nelfinavir mesylate);
28. Viramune (nevirapine);
29. Zerit (stavudine);

30. Ziagen (abacavir sulfate);
31. Zocor (simvastatin);
32. Zofran (ondansetron);
33. Zoladex (goserelin acetate); and
34. Zyprexa (olanzapine).

~~(z)~~(y) "State Current Good Manufacturing Practices" means current good manufacturing practices and quality system regulations as prescribed as of 1/1/01 in Title 21 Code of Federal Regulations, Parts 210, 211, 600-610, and 820, and the federal guidelines which are incorporated by reference herein and made a part of this rule, and the requirements of this chapter. Current good manufacturing practices for cosmetics means the guidelines for manufacturing cosmetics as set forth in Rule 64F-12.010, F.A.C.

~~(aa)~~(z) "Unapproved new drug" – means any drug which has not been approved or otherwise authorized for use under the federal act, 21 U.S.C. ss. 301 et seq., and the regulations promulgated thereunder or which does not have a Notice of Claimed Investigational Exemption on file with the United States Food and Drug Administration.

~~(bb)~~(aa) "Valid client-veterinarian relationship" – means one in which (1) a veterinarian has assumed the responsibility for making medical judgments regarding the health of an animal and the need for medical treatment, and the client (the owner or other caretaker of the animal or animals) has agreed to follow the instructions of the veterinarian; (2) there is sufficient knowledge of the animal(s) by the veterinarian to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s); and (3) the veterinarian is readily available for follow-up in case of adverse reactions or failure of the regimen of therapy. Such a relationship can exist only when the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by virtue of examination of the animal(s), and/or by medically appropriate and timely visits to the premises where the animal(s) are kept.

~~(cc)~~(bb) "Verifiable account" means a number issued by the manufacturer to a wholesaler when the wholesaler sets up an account with the manufacturer for the purchase of a prescription drug from that manufacturer that uniquely identifies the wholesaler and that is to be used on a recurring basis.

~~(dd)~~(cc) "Wholesale distribution" means distribution of prescription drugs to persons other than a consumer or patient as set forth in Section 499.012(1)(a), F.S.

~~(ee)~~(dd) "Wholesaler" means a person who engages in the wholesale distribution of a prescription drug.

~~(ff)~~(ee) "Written agreement" means any type of written correspondence or documentation to establish an account for ongoing sales of prescription drugs by the manufacturer to that wholesaler.

Specific Authority 499.05, 499.61, 499.701 FS. Law Implemented 499.003, 499.004, 499.005, 499.0054, 499.0057, 499.006, 499.007, 499.008, 499.009, 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.015, 499.023, 499.024, 499.025, 499.028, 499.03, 499.033, 499.035, 499.039, 499.041, 499.05, 499.051, 499.052, 499.06, 499.066, 499.067, 499.069, 499.61, 499.62, 499.63, 499.64, 499.65, 499.66, 499.67, 499.71, 499.75 FS. History—New 1-1-77, Amended 12-12-82, 1-30-85, Formerly 10D-45.31, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.031, Amended 1-26-99, 4-17-01, 6-30-03, 10-7-03, 1-1-04, 1-29-04, 5-29-05, 1-19-06, 2-14-06, _____.

64F-12.015 Licensing, Application, Permitting.

(1) through (2) No change.

(3) ON-SITE INSPECTIONS. Passing an on-site inspection is a prerequisite to issuance of a new permit, whether based on an initial application or change of address application, for the following permit types: Prescription Drug Manufacturer, Prescription Drug Repackager, Device Manufacturer, Compressed Medical Gases Manufacturer, Over-the-Counter Drug Manufacturer, Cosmetic Manufacturer, Prescription Drug Wholesaler, Compressed Medical Gases Wholesaler, Retail Pharmacy Wholesaler, Freight Forwarder, Veterinary Prescription Drug Wholesaler located in Florida, Complimentary Drug Distributor located in Florida, Veterinary Legend Drug Retailer, Medical Oxygen Retailer, and Restricted Rx Drug Distributor permits for the Health Care Entity, Reverse Distributor, and Destruction facilities. However, the department may elect to perform an inspection of the Restricted Rx Drug Distributor – Charitable Organization, Government Program, or Institutional Research as a condition of permitting but an on-site inspection fee will not be assessed.

(d) The department may ~~will~~ request from the applicant written documentation to evidence compliance with the requirements of Chapter 499, F.S., when workload prevents the department from conducting an on-site inspection ~~cannot be completed~~ within 65 ~~30~~ days of receipt of a completed application for a permit requiring an on-site inspection or a written request for a change of address. The department may request documentation addressing at a minimum compliance with Section 499.0121, F.S., as it relates to the type of permit for which the person applied. The applicant will be required to specify by page number and paragraph on that page the policies and procedures required under Section 499.0121(7), F.S., that address matters specific to the type of permit for which the person applied. The applicant's failure to respond to the department's request within the timeframe specified in the department's correspondence requesting this documentation may be grounds for denial of the permit application.

(6) MANUFACTURER PERMITS.

(a) through (b) No change.

(c) Application requirements for manufacturers and prescription drug repackagers located in Florida include:

1. Contact the department's Bureau of Statewide Pharmaceutical Services to request an application or download the application from the bureau's web site.

2. File with the department a completed application for a permit using an original Form DH 1033, "Application for Permit Under Chapter 499, F.S.," effective August 2004, and the attachment for a Manufacturer, effective XXXXXXXX, which are is incorporated by reference herein.

3. Pay the appropriate fee(s) as required by Rule 64F-12.018, F.A.C.

4. Comply with all the requirements for permitting provided in Chapter 499, F.S., and this rule chapter.

5. Have an FDA establishment registration number, or unless the application is for a cosmetic manufacturer, provide documentation to the department supporting an exemption from FDA registration.

(d) No change.

(7) through (11) No change.

Specific Authority 499.01, 499.012, 499.0121(1), 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS. Law Implemented 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028(6), 499.04, 499.004, 499.041, 499.05, 499.06, 499.006, 499.007, 499.052, 499.062, 499.063, 499.064, 499.066, 499.067 FS. History—New 12-12-82, Amended 7-8-84, 1-30-85, Formerly 10D-45.54, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.054, Amended 1-26-99, 4-17-01, 10-29-02, 7-6-03, 1-1-04, 9-13-04, 10-3-05, 1-19-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rebecca Poston

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cassandra Pasley

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

DEPARTMENT OF HEALTH

Division of Health Awareness and Tobacco

RULE NOS.:	RULE TITLES:
64F-12.012	Records of Drugs, Cosmetics and Devices
64F-12.025	Certification Authority and Digital Signatures for Self-Authenticating Pedigree

PURPOSE AND EFFECT: A proposed amendment to Rule 64F-12.012, F.A.C., requires an inventory of drugs at each wholesaler establishment, of drugs it has on hand as of June 30, 2006, so as to give the Department information useful to determining compliance as the drug pedigree law transitions effective July 1, 2006 from the requirements of Section 499.0121(6)(d) and (e), F.S., to Section 499.0121(6)(f), F.S. An additional proposed amendment to this rule would allow adjustments to the pedigree requirements for an emergency distribution, where a pharmacy or health care practitioner certifies to the wholesaler a need to treat a life threatening

medical condition, or medical condition that will result in serious bodily harm, even if a drug pedigree compliant with Section 499.0121(6)(f), F.S. is not available.

Rule 64F-12.025, F.A.C., is proposed to establish standards for a certification authority to issue a digital certificate to an employee of a wholesale establishment, where the establishment employs this person to certify the accuracy and completeness of a pedigree paper. Through this rule the Department seeks to facilitate a self authenticating drug pedigree.

SUMMARY: A proposed amendment to Rule 64F-12.012, F.A.C., would require an inventory of drugs on hand as of June 30, 2006. An additional amendment to this rule also allows adjustments to the pedigree requirement in certain emergency situations.

Proposed Rule 64F-12.025, F.A.C., would facilitate the use of a self-authenticating electronic drug pedigree. Self authentication is facilitated when the digital signature of the person authenticating the information that person provides on the pedigree is certified by an independent Certification Authority.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No statement of regulatory cost was prepared.

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

SPECIFIC AUTHORITY: 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS.

LAW IMPLEMENTED: 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS.

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

DATE AND TIME: May 15, 2006, 1:00 p.m. eastern daylight savings time

PLACE: Ramada Inn Conference Center, 2900 North Monroe Street, Tallahassee, Florida

If special accommodations are needed to attend this workshop because of a disability, please contact Maxine Wenzinger, (850)245-4736

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Rebecca Poston, R. Ph., Executive Director, Board of Pharmacy-Drugs Devices and Cosmetics, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

THE FULL TEXT OF THE PROPOSED RULES IS:

64F-12.012 Records of Drugs, Cosmetics and Devices.

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

(2) Any person engaged in the manufacture of prescription drugs, the wholesale distribution of prescription drugs, or otherwise receiving or distributing prescription drugs must maintain records as follows:

(a) through (d) No change.

(e) Inventory. A complete and accurate record of all stock of prescription drugs on hand must be made annually available by establishments permitted under Chapter 499, F.S. A physical inventory must be conducted at least annually unless perpetual inventory records are maintained, in which case the physical inventory may be conducted on a biennial basis. Significant inventory discrepancies must be investigated and handled in accordance with the written policies and procedures of the establishment. In addition, no later than July 17, 2006, each wholesale distributor shall submit to the department an inventory of drugs it has on hand as of June 30, 2006.

(3) Pedigree papers.

(a) through (j) No change.

(k) Emergency Distributions. A wholesale distributor may distribute and a purchasing pharmacy or health care practitioner authorized by law to purchase prescription drugs may accept a prescription drug for which a pedigree that complies with Section 499.0121(6)(f), F.S., is not available, when the prescription drug is required immediately to treat a specific patient with a life-threatening medical condition or a medical condition that will result in serious bodily harm. A pharmacist for the purchasing pharmacy or the health care practitioner shall supply the wholesale distributor with a coded reference to the specific patient and a statement that the emergency meets this section's requirements. Such coded reference shall allow agents for the department to identify the specific patient in the pharmacy's or health care practitioner's records and confirm the stated emergency. The wholesale distributor that distributes a prescription drug under this provision must maintain the coded patient reference and the pharmacist's or the health care practitioner's emergency statement to demonstrate compliance with this section. The supplying wholesale distributor must otherwise comply fully with all other applicable provisions of Sections 499.001 through 499.081, F.S., with respect to the distribution of such a drug. The wholesale distributor must maintain the confidentiality of the coded patient reference and the emergency statement in its possession, but may provide that information to the department or to FDLE pursuant to Section 499.051, F.S.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History--New 1-1-77, Amended 12-12-82, 7-8-84, 1-30-85, Formerly 10D-45.53, Amended 11-26-86, 2-4-93, 7-1-96, Formerly 10D-45.053, Amended 1-26-99, 4-17-01, 10-7-03, _____.

64F-12.025 Certification Authority and Digital Signatures for Self-Authenticating Electronic Pedigree.

(1) As used in this rule chapter the terms “certificate” and “Certification Authority” are as defined by Section 668.003, F.S. (2005). The department will list on its website one or more companies authorized to serve as a Certification Authority to issue digital certificates to persons for purposes of certifying via a digital signature the accuracy and completeness of a pedigree paper for authentication purposes under sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C. The department recognizes that a Certification Authority listed on the department’s website may revoke any digital certificate it has issued. In addition, the department recognizes that the certificate holder and the employer of the certificate holder may also seek revocation of a certificate, for example because of termination of the holder’s employment or change of the holder’s authority to sign a pedigree for the employing establishment.

(2) The department will list on its website a Certification Authority that requests in writing to the bureau that it be so listed, if the request demonstrates:

(a) The Certification Authority meets the requirements set forth in the Federal Government Bridge Certification Authority Certificate Policy (FBCA CP), of the federal General Services Administration for “medium assurance” certificates, or comparable requirements.

(b) The Certification Authority requires at a minimum the following written documentation prior to granting a digital certificate to the person requesting a digital signature to sign an electronic pedigree:

1. Authorization from the establishment for whom the person is requesting a digital certificate that person may sign pedigree papers on the establishment’s behalf.

2. A valid, unexpired identification document which bears a photograph of the person requesting a digital certificate such as:

a. A passport issued by the United States, an immigration document issued by the Federal Government, or any document issued by an agency of the Federal Government or the Armed Services of the United States,

b. A passport issued by a foreign government if the passport includes or is accompanied by a document proving that the alien is lawfully in the United States, or

c. A document issued by a state or political subdivision if the issuing state or political subdivision prohibits the issuance of the identification document to an alien who is unlawfully in the United States, and the state or political subdivision requires independent verification of the records offered by the person to prove identity when applying for the identification document;

3. The valid permit of the establishment for whom the person requesting a digital certificate is employed, which authorizes that establishment to possess and to wholesale prescription drugs consistent with the transactions it documents on a drug pedigree paper.

(c) The Certification Authority shall submit to the department a statement from an independent auditor confirming that the Certification Authority complies with the requirements of this rule and the applicable provisions of sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C., so that a recipient of a pedigree signed with a digital signature issued by the Certification Authority can rely on the integrity of the digital signature.

(3) To remain listed as a Certification Authority on the department’s website, the Certification Authority must submit a signed statement certifying to the department on an annual basis that it operates in accordance with the requirements of this section and has been audited by a qualified independent (from the operator of the Certification Authority) auditor on at least an annual basis. The Certification Authority must also submit a signed statement from an independent auditor that the Certification Authority complies with the requirements of this rule and the applicable provisions of sub-subparagraph 64F-12.013(5)(d)1.f., F.A.C. This documentation must be submitted to the department by June 1 of each year in order to remain listed on the department’s website as a Certification Authority for the next July 1 – June 30 period.

(4) If a Certification Authority proposes comparable requirements to the FBCA CP “medium assurance” certificates, the Certification Authority must provide a detailed crosswalk between the standards set forth for the FBCA CP “medium assurance” certificates and the proposed comparable requirements with a detailed explanation describing how the comparable requirements provide at least the same level of assurance as the FBCA CP standards.

(5) If any of the requirements in the FBCA CP differ from those set forth in this rule, the ones set forth in this rule shall prevail.

(6) If authorized by the affected establishments that lawfully purchase or receive prescription drugs to digitally sign their electronic pedigrees, an employee may be issued digital certificates for each such establishment or for multiple permits of a single establishment.

(7) The loss, theft, or compromise of a private key or password must be communicated to the Certification Authority within 24 hours of discovery of the key’s loss, theft, or compromise. Notification should promptly result in a request for revocation of the Certificate holder’s digital certificate and must include sufficient information to uniquely identify the certificate holder. Revocation shall be effective upon issuance of the next Certificate Revocation List.

(8) Either the certificate holder or the establishment shall request revocation of a certificate holder’s digital certificate upon termination of the certificate holder’s authorization to make digital signatures on behalf of the establishment. Notification should promptly request revocation of the certificate holder’s digital certificate and must include sufficient information to uniquely identify the certificate holder. Revocation shall be effective upon issuance of the next Certificate Revocation List.

(9) The establishment is ultimately responsible for electronic pedigrees that have been digitally signed on its behalf.

Specific Authority 499.05, 499.0121, 499.0122, 499.013, 499.014, 499.052 FS. Law Implemented 499.012, 499.0121, 499.0122, 499.013, 499.014, 499.051, 499.052 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Rebecca Poston
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Cassandra Pasley
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 12, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 3, 2006

**DEPARTMENT OF FINANCIAL SERVICES
Division of Insurance Fraud**

RULE CHAPTER NO.: 69D-2
RULE CHAPTER TITLE: Insurer Anti-Fraud Investigative Units and Anti-Fraud Plans

RULE NOS.: 69D-2.001, 69D-2.002, 69D-2.003, 69D-2.004, 69D-2.005
RULE TITLES: Purpose and Scope, Definitions, Insurer SIUs, Insurer Anti-Fraud Plans, Compliance and Enforcement

PURPOSE AND EFFECT: The purpose of this rule chapter is to implement the provisions of Section 626.9891, Florida Statutes requiring a higher level of detail and accountability for insurer fraud plans and insurer SIU descriptions.

SUMMARY: The rule would require the exact same disclosures for an SIU description (required for insurers who write more than 10 million in annual premium) as it would an anti-fraud plan (required for insurers who write less than 10 million in annual premium). The rule also sets deadlines for these submissions and necessitates that they be re-submitted every 3 years.

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

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

SPECIFIC AUTHORITY: 624.308, 626.9891 FS.
LAW IMPLEMENTED: 624.307, 626.989, 626.9891(1), 626.9891(2), 626.9891(3), 626.9891(7), 626.9891(8) FS.

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

DATE AND TIME: Tuesday, May 16, 2006, 9:00 a.m.
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charles Gowland, Jr., Division of insurance Fraud, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-4066

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting: Serica Johnson, (850)413-3110, ext. 4216.

THE FULL TEXT OF THE PROPOSED RULES IS:

INSURER ANTI-FRAUD INVESTIGATIVE UNITS AND ANTI-FRAUD PLANS

69D-2.001 Purpose and Scope.

The purpose of this rule chapter is to implement the provisions of Section 626.9891, F.S., establishing guidelines and reporting requirements for insurer anti-fraud investigative units and anti-fraud plans.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.002 Definitions.

For the purposes of this rule:

(1) “Division” refers to the Department of Financial Services, Division of Insurance Fraud.

(2) “NAIC” refers to the National Association of Insurance Commissioners.

(3) “Office” refers to the Office of Insurance Regulation, Market Investigations.

(4) “SIU” refers to an insurer’s internal or contracted anti-fraud investigative unit.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History–New _____.

69D-2.003 Insurer SIUs.

(1) An insurer subject to Section 626.9891(1), F.S., shall file with the Division a description of such SIU on or before July 1, 2006, and every three (3) years thereafter, and such description shall include:

(a) The names of all personnel assigned to the SIU, and a description of each person's work responsibilities relating to the SIU's anti-fraud efforts;

(b) A description of the SIU's procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. An acknowledgment that the SIU has established criteria that will be used to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer;

2. An acknowledgment that the SIU has established criteria that will be used for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer;

3. Nothing in this rule shall require that an SIU utilize all established criteria in every circumstance.

(c) A description of the SIU's procedures for the mandatory reporting of suspected fraudulent insurance acts to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. An explanation of the insurer's or SIU's method for reporting all suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

2. An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

3. An acknowledgment that all such reports of suspected insurance fraud shall be reported directly to the Division within six (6) months of detection of the alleged suspicious activity, but within twelve (12) months if such alleged suspicious activity involves worker's compensation insurance premium avoidance, and within eighteen (18) months if such alleged suspicious activity is in relation to a natural emergency as defined in Section 252.34(7), F.S.

4. An explanation of the insurer's or SIU's method of recording the date that suspected fraudulent activity is detected, and method of recording the date that reports of such suspected insurance fraud are sent directly to the Division;

(d) A description of the SIU's plan for anti-fraud education and training of its claims adjusters, SIU personnel, and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A plan that involves training relating to the detection and investigation of fraudulent insurance acts for all personnel involved in anti-fraud related efforts.

2. A plan that involves on-going training during the reporting period;

(e) The contact information including names, email addresses, and telephone numbers, for personnel designated by the insurer or SIU to be responsible for achieving and maintaining compliance with Section 626.9891(1), F.S., and this rule chapter;

(f) The insurer's NAIC individual and group code numbers;

(2) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, shall submit this SIU description via digital format as specified by the Division.

(3) An insurer or SIU subject to Section 626.9891(1), F.S., and this rule chapter, will have a ninety (90) day grace period to submit their initial SIU description, and will have a thirty (30) day grace period for each subsequent submission every three (3) years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New _____.

69D-2.004 Insurer Anti-Fraud Plans.

(1) An insurer subject to Section 626.9891(2), F.S., shall file with the Division of Insurance Fraud such anti-fraud plan on or before July 1, 2006, and every three (3) years thereafter, and such anti-fraud plan shall include:

(a) A written description or chart outlining the organizational arrangement of the insurer's anti-fraud personnel who are responsible for the investigation and reporting of possible fraudulent insurance acts.

(b) A description of the insurer's procedures for detecting and investigating possible fraudulent insurance acts. This description shall include:

1. An acknowledgment that the insurer has established criteria that will be used to detect suspicious or fraudulent activity during investigations relating to the different types of insurance offered by that insurer;

2. An acknowledgment that the insurer has established criteria that will be used for the investigation of acts of suspected insurance fraud relating to the different types of insurance offered by that insurer;

3. Nothing in this rule shall require that an SIU utilize all established criteria in every circumstance.

(c) A description of the insurer's procedures for the mandatory reporting of possible fraudulent insurance acts to the Division pursuant to Section 626.989(6), F.S. This description shall include:

1. An explanation of the insurer's method for reporting all suspected fraudulent insurance acts directly to the Division using a standard digital referral format as specified by the Division;

2. An acknowledgment that all such reports of suspected insurance fraud shall contain information that clearly defines and supports the allegation of suspicious activity.

3. An acknowledgment that all such reports of suspected insurance fraud shall be reported directly to the Division within six (6) months of detection of the alleged suspicious activity, but within twelve (12) months if such alleged suspicious activity involves worker's compensation insurance premium avoidance, and within eighteen (18) months if such alleged suspicious activity is in relation to a natural emergency as defined in Section 252.34(7), F.S.

4. An explanation of the insurer's method of recording the date that suspected fraudulent activity is detected, and their method of recording the date that reports of such suspected insurance fraud are sent directly to the Division.

(d) A description of the insurer's plan for anti-fraud education and training of its claims adjusters and any other personnel involved in anti-fraud related efforts. This description shall include:

1. A plan that involves training relating to the detection and investigation of fraudulent insurance acts for all employees involved in anti-fraud related efforts.

2. A plan that involves on-going training during the reporting period:

(e) The contact information, including names, e-mail addresses, and telephone numbers, for personnel designated by the insurer to be responsible for achieving and maintaining compliance with Section 626.9891(2), F.S., and this rule chapter:

(f) The insurer's NAIC individual and group code numbers:

(2) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, shall submit this anti-fraud plan via digital format as specified by the Division.

(3) An insurer subject to Section 626.9891(2), F.S., and this rule chapter, will have a ninety (90) day grace period to submit their initial anti-fraud plan, and will have a thirty (30) day grace period for each subsequent submission every three years thereafter.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New _____.

69D-2.005 Compliance and Enforcement.

(1) The Division and the Office shall conduct audits or request self-assessment examinations of insurer SIU descriptions or anti-fraud plans as deemed necessary to determine compliance with Section 626.9891, F.S., and this rule chapter.

(2) If a review of a submission of an SIU description or insurer anti-fraud plan reveals a deficiency in such description or plan as determined by the Division, the insurer shall have thirty (30) days from the date of notification from the Division to repair such deficiency in their description or plan and provide the Division with a corrected submission. However, this additional thirty (30) day period does not apply in those situations where an insurer fails to submit their SIU description

or anti-fraud plan to the Division before the expiration of the thirty (30) or ninety (90) day grace period provided in this rule chapter.

(3) If an insurer fails to timely file an anti-fraud plan or SIU description, fails to take corrective action as set forth in paragraph (2), fails to implement or follow the provisions of their anti-fraud plan or SIU description, or in any other way fails to comply with the requirements of Section 626.9891, F.S., and this rule chapter, the Office shall take appropriate administrative action as provided in the Florida Insurance Code.

Specific Authority 624.308, 626.9891 FS. Law Implemented 624.307, 626.9891(8) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charles Gowland, Senior Attorney, Division of Insurance Fraud, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eric Miller, Division Director, Division of Insurance Fraud, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 4, 2006

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005 and February 10, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69N-121.007
RULE TITLE: Public Records and Availability of Forms; Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms

PURPOSE, EFFECT, AND SUMMARY: Puts record owners on notice of the effect of marking a record as confidential or as a trade secret and makes clear the owner's continuing responsibility toward those records.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: No Statement of Regulatory Cost has been prepared.

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

SPECIFIC AUTHORITY: 120.53, 624.308 FS.

LAW IMPLEMENTED: 119.01, 119.021, 119.07, 119.071, 120.53, 624.307(1), 624.311, 624.501, 627.919 FS.

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

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation, E-mail bob.prentiss@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69N-121.007 Public Records and Availability of Forms; Procedures for Inspecting and Copying Public Records and for Obtaining Office Forms.

(1) through (10) No change.

(11) Assertions of Confidentiality Based on Trade Secret.

(a) If the owner of a public record asserts that a particular document it has filed with the Office is confidential and exempt from a Chapter 119, F.S., public records request on the basis that the document is a trade secret within the purview of Section 812.081(1)(c), F.S., it shall clearly mark each document in the filing which it believes is a trade secret with the legend "Trade Secret; confidential and exempt", and shall enclose with the filing a memorandum clearly setting forth the legal basis for such assertion for each document so marked.

(b) If a request pursuant to Chapter 119, F.S., is made for a public record, and the record has been marked in conformance with the procedure in paragraph (a), the following procedure will be used by the Office in response to that request:

1. The person receiving the request will immediately forward the request to the Legal Office.

2. The Legal Office will notify the owner that a request has been made under Chapter 119, F.S., for that record. The notification by the Legal Office will be made by U.S. Mail, by facsimile and by e-mail, as available in the records of the Office.

3. The notification will further inform the owner that the owner has ten business days in which to obtain a protective order, or a temporary injunction pending the ultimate determination, from a court of competent jurisdiction ordering the Office to not make the record available to the requesting party.

4. If no such order is obtained, or if the Office is not provided with such an order within ten days of the notification to the owner, the record will be made available to the requesting party.

Specific Authority 120.53, 624.308 FS. Law Implemented 119.01, ~~119.021, 119.031, 119.041,~~ 119.07, ~~119.071,~~ 120.53, 624.307(1), 624.311, 624.501, 627.919 FS. History—New 1-1-75, Formerly 4-38.07, 4-38.007, Amended 2-5-87, 6-4-92, 5-30-95, Formerly 4-121.007, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bob Prentiss, Assistant General Counsel, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Steve Parton, General Counsel, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 3, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NOS.: RULE TITLES:

690-144.002 Approval Procedures

690-144.005 Credit for Reinsurance

PURPOSE, EFFECT, AND SUMMARY: This rule amendment adopts the new (2005) NAIC blanks for filing financial statements, and makes changes in the existing rule to account for internal organizational changes.

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

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

SPECIFIC AUTHORITY: 624.308, 624.610(14) FS.

LAW IMPLEMENTED: 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS.

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

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

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Claude Mueller, Property and Casualty Financial Oversight, Office of Insurance Regulation, e-mail: claud.mueller@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

690-144.002 Approval Procedures.

(1) An insurer seeking the status of an accredited reinsurer pursuant to Section 624.610(3)(b)1., Florida Statutes, shall comply with the instructions contained in Form OIR-C1-923, "Application For Accredited Reinsurer Status," rev. 5/02 and submit the following forms. Forms relating to specific types of insurance are to be submitted only by companies issuing policies relating to the type of insurance specified on the form.

(a) Form OIR-C1-927, "Application To Conduct Business In The State of Florida Accredited Reinsurer Status," rev. 5/02;

(b) Form OIR-C1-903, "Invoice, Request For Payment of Fingerprint Charges," rev. 4/97;

(c) Form OIR-C1-1524, "Uniform Consent to Service of Process," rev. 5/02;

(d) Form OIR-D0-516, "Insurance Holding Company System Registration Statement," rev. 4/97;

(e) Form OIR-C1-1298, "Management Information Form," rev. 4/97;

(f) Form OIR-C1-1423, "Biographical Affidavit," rev. 5/02;

(g) Fingerprint cards furnished by the Office, according to instructions in Form OIR-C1-938, "Fingerprint Card Instructions," rev. 5/02;

(h) The material required by Form OIR-C1-905 "Instructions for Furnishing Background Investigative Reports," rev. 2/01;

(i) OIR-C1-1464, "FORM AR-1 Certificate of Assuming Insurer," rev. 5/02;

(j) OIR-C1-1465, "Invoice, Payment of Application Filing Fees," rev. 5/02;

(k) OIR-C1-1538, "Checklist Verification," rev. 5/02;

(l) through (2) No change.

(3) An insurer seeking the status of a trustee reinsurer pursuant to Section 624.610, Florida Statutes, shall comply with the instructions contained in Form OIR-C1-1466, "Application for Trustee Reinsurer Status For Single Assuming Reinsurer," rev. 5/02 and submit the following:

(a) through (d) No change.

(e) Form OIR-C1-1524, "Uniform Consent to Service of Process," rev. 5/02;

(f) Form OIR-C1-1298, "Management Information Form," rev. 4/97;

(g) Form OIR-C1-1423, "Biographical Affidavit," rev. 5/02 for all individuals listed on Form OIR-C1-1298;

(h) Form OIR-C1-1469, rev. 5/02, "Certificate of Assuming Insurer to Submit to Examination and Bear the Cost of Examination";

(i) "Checklist Trust Agreement for Trustee Reinsurer" is included in Form OIR-C1-1466, rev. 5/02; and

(j) Form OIR-C1-1538, "Checklist Verification," rev. 5/02.

(4) All forms listed in subsections (1) and (3), above, are hereby adopted and incorporated by reference. All forms may be obtained from and shall be submitted to Company Admissions ~~the Applications Coordination Section, Division of Insurer Services~~, Office of Insurance Regulation, Larson Building, 200 East Gaines Street, Tallahassee, FL 32399-0332. ~~All checks shall be made payable to the Office of Insurance Regulation.~~

Specific Authority 624.308, 624.610(14) FS. Law Implemented 624.307(1), (2), (3), (5), 624.316, 624.317, 624.318, 624.321, 624.324, 624.34, 624.401, 624.404, 624.407, 624.413, 624.424, 624.501(20)(c), 624.5091, 624.610, 628.051, 628.061, 628.801, 629.081 FS. History—New 1-30-91, Formerly 4-108.002, Amended 5-12-94, 10-13-02, Formerly 4-144-002, Amended.

690-144.005 Credit for Reinsurance.

(1) No change.

(2) Credit for reinsurance by a domestic insurer shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this state pursuant to Section 624.610(3)(b), Florida Statutes and Rule 690-144.002, F.A.C., as of any date on which statutory financial statement credit for reinsurance is claimed. An accredited reinsurer pursuant to Section 624.610(3)(b), Florida Statutes:

(a)1. Files with the Office a properly executed Form OIR-C1-1464 ~~OIR-D0-1~~, which is hereby adopted and incorporated by reference, as evidence of its submission to this state's jurisdiction and to this state's authority to examine its books and records.

2. Form OIR-C1-1464 ~~OIR-D0-1~~ is available from, and shall be submitted to the following: for life and health insurers, ~~Bureau of Life and Health~~ Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0327; for property and casualty insurers, ~~Bureau of Property and Casualty~~ Financial Oversight Insurer Solvency and Market Conduct, 200 East Gaines Street, Tallahassee, Florida 32399-0329;

(b) Is licensed to transact insurance or reinsurance in at least one state, or in the case of a U.S. branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one state; and

(c) Files annually and quarterly with the Office a copy of its annual and quarterly statements filed on the National Association of Insurance Commissioners convention blanks, which are hereby adopted and incorporated by reference, with the insurance department of its state of domicile or, in the case of a U.S. branch of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement and maintains a surplus as regards policyholders in accordance with Section 624.610(3)(b)1.d., Florida Statutes, and whose approval has been granted by the

Office. If quarterly statements are not required by the state of domicile, quarterly statements shall only be required upon written request of the Office. The following National Association of Insurance Commissioners blanks are hereby adopted and incorporated by reference:

1. NAIC Annual Statement Blank Life/Accident/Health 2005 2001,
 2. NAIC Quarterly Statement Blank Life/Accident/Health 2005 2001,
 3. NAIC Annual Statement Blank Health 2005 2001,
 4. NAIC Quarterly Statement Blank Health 2005 2001,
 5. NAIC Annual Statement Blank Property and Casualty 2005; and 2001,
 6. NAIC Quarterly Statement Blank Property and Casualty 2005 2001.
- (3) through (7) No change.

Specific Authority 624.308 FS. Law Implemented 624.307(1), 624.610 FS. History—New 1-30-91, Formerly 4-108.005, Amended 12-25-97, 10-13-02, Formerly 4-144-005, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Claude Mueller, Directory, Property and Casualty Financial Oversight, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 21, 2006

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

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
5E-14	Entomology – Pest Control Regulations
RULE NOS.:	RULE TITLES:
5E-14.105	Contractual Agreements in Public’s Interest – Control and Preventive Treatment for Wood-Destroying Organisms
5E-14.142	Responsibilities and Duties – Records, Reports, Advertising, Applications

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d), F.S., published in Vol. 32, No. 5, February 3, 2006, issue of Florida Administrative Weekly.

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

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 renewal was purchased, shall have the option of extending the warranty annually after the first year for no less than 4 additional years. The contract shall conform with Section 482.227, F.S., and contain information required by paragraphs 5E-14.105(2)(a), (b), (c), ~~(d), (e), (f), (g), (h), (i), (j), and (k),~~ F.A.C. This section applies only to treatment for the prevention of subterranean termites for new construction which does not physically attach to or adjoin existing structures.

(4) In contracts covering spot treatments for wood-destroying organism(s), the requirements of subsections 5E-14.105(1) and (2), F.A.C. shall apply. In addition to these, specific areas in, on or under the structure to be treated shall be listed in the written contract- and a statement that a spot

treatment only was performed shall be made on the treatment notice posted as required by Section 482.226(5), Florida Statutes.

(5) through (7) No change.

(8) Each licensee shall comply with the terms of each pest control contract it issues. Within one year of the effective date of this rule, all contracts for wood destroying organism protection must comply with the following:

(a) A licensee must inspect for an infestation that is the subject of a re-treatment provision of a contract within thirty calendar days of written notification by the property owner or agent to which the contract applies, and must perform a re-treatment required under a contract within ninety days of discovery of an infestation subject to the re-treatment provision of a contract, unless

1. Access to the property is prevented by the property owner, or

2. The treatment is waived or postponed in writing by the property owner or agent, or

3. The subject property is a commercial or multiunit structure, in which case, the treatment must be performed within 180 days, unless 1. or 2. above applies.

(b) In the event a contract expires before a re-treatment can be accomplished, the licensee shall make a written offer to perform the re-treatment in accordance with the terms of the contract within ninety days at no additional cost.

(c) A licensee may not use a limitation, exclusion, or condition clause of a contract to deny treatment of a termite infestation or repair of termite damage to the holder of a contract, unless the termite infestation or damage was primarily caused by the subject of the limitation, exclusion, or condition clause in the contract, and, if the licensee was aware of the condition that is subject to a limitation, exclusion, or condition clause in the contract, the licensee provided written notice to the property owner or agent of that condition within sixty days of discovery and provided the property owner the opportunity to correct that condition. If the property owner did not correct the condition within sixty days of the written notice, then the licensee may use the limitation, exclusion, or condition clause in the contract to deny repair or retreatment.

Specific Authority 482.051 FS. Law Implemented 482.051(3) FS. History--New 1-1-77, Joint Administrative Procedures Committee Objection Withdrawn-See FAW Vol. 3, No. 30, July 29, 1977, Amended 6-27-79, 10-25-90, Formerly 10D-55.105, Amended 8-11-93, 4-17-03,_____.

5E-14.142 Responsibilities and Duties – Records, Reports, Advertising, Applications.

(1) Records:

(a) Pest control records of the licensee pertaining to pest control activities and including contracts shall be kept at the licensed business location or at the exact Florida address specified in the application for business license for inspection by Department inspectors. Additionally, available for

inspection by appropriate state officials at reasonable times there shall be maintained for a period of at least two years routine operational records containing information on kinds (names), amounts, uses, dates, and places of application of restricted-use pesticides.

~~(b) Each licensee shall comply with the terms of each pest control contract it issues.~~ (Moved to 5E-14.105(8)).

(2) through (8) No change.

Specific Authority 482.051 FS. Law Implemented 482.071, 482.091, 482.161(1)(g), 482.226(1), (2), (4), (5), (6) FS. History--New 1-1-77, Amended 6-27-79, 6-22-83, 1-20-87, 10-25-90, Formerly 10D-55.142, Amended 8-11-93, 5-28-98, 4-29-02, 4-17-03, 6-2-04, _____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

RULE NOS.:

5F-2.001

5F-2.002

5F-2.003

5F-2.016

RULE TITLES:

Standards

Disposition of Below Standard

Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels

Registration and Identification

Guidelines for Imposing

Administrative Penalties

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with Section 120.54(3)(d)1., F.S., published in Vol. 31 No. 50, December 16, 2005, issue of the Florida Administrative Weekly.

5F-2.001 Standards.

(1) Gasoline. The following specifications apply to gasoline sold or offered for sale in Florida. Specific variations or exemptions shall be considered by the Department of Agriculture and Consumer Services for gasoline designed for special equipment or service in accordance with Section 120.542, F.S., Variances and Waivers.

(1)(a) through (4)(b) No change.

(5) Alternative Fuels.

(a) No change.

(b) Mixtures containing 85% ~~or more~~ by volume of methanol, denatured ethanol, or other alcohols with gasoline or other fuels, or such other percentage determined acceptable in the specifications for such mixtures as adopted in this section but not less than 70%, as determined by the department by rule, to provide for requirements relating to cold start, safety, or vehicle functions:

(b)1. through 2. No change.

~~(c) Hydrogen;~~

~~(d) Coal-derived liquid fuels;~~

(c) No change.

- (f) ~~Electricity, including electricity from solar energy; and~~
 (g) ~~Any other fuel determined by the department by rule.~~
 (6) through (7) No change.

5F-2.002 Disposition of Below Standard Gasoline, Kerosene, Diesel Fuel Oils No. 1-D and No. 2-D, and Fuel Oils No. 1 and No. 2, and Alternative Fuels.

(1) GASOLINE.

- (a) No change.

(b) Gasoline found below standard because of an Antiknock Index more than one (1.0), but not more than two (2.0), below the Antiknock Index displayed on the dispenser shall be withheld from sale to the public until it has been brought up to the Antiknock Index standard. ~~If the product meets the specifications for a lesser grade of gasoline, it may be labeled as the lesser grade and released for sale to the public, or the Department may release it for sale to the public as a product of lesser quality, or to the owner for use in his own equipment.~~

(c) Gasoline not meeting specifications stated in ASTM International D 4814-04b¹, "Standard Specification for Automotive Spark-Ignition Engine Fuel" ~~found below standard~~ for reasons other than those enumerated in paragraphs (1)(a) and (b) shall be subject to penalties provided in Chapter 525.16, Florida Statutes. These penalties are specified in Rule 5F-2.016, F.A.C.

(2) KEROSENE.

- (a) No change.

(b) Kerosene not meeting specifications stated in ASTM International D 3699-04, "Standard Specification for Kerosine" ~~found below standard~~ for reasons other than those enumerated in paragraph (2)(a) shall be subject to penalties provided in Section 525.16, Florida Statutes. These penalties are specified in Rule 5F-2.016, F.A.C.

(3) DIESEL FUEL OILS No. 1-D and No. 2-D and FUEL OILS No.-1 and No. 2.

- (a) through (b) No change.

(c) Diesel fuel oils No. 1-D and No. 2-D, and fuel oils No. 1 and No. 2 not meeting specifications stated in ASTM International D 975-04c¹, "Standard Specification for Diesel Fuel Oils" and ASTM International D 396-04, "Standard Specification for Fuel Oils, respectively found below standard for reasons other than those enumerated in paragraph (3)(a) and (b) shall be subject to the penalties as provided in Section 525.16, Florida Statutes. These penalties are specified in Rule 5F-2.016, F.A.C.

(4) ALTERNATIVE FUELS.

(a) Alternative Fuels found below standard shall be withheld from sale to the public until brought up to standard.

(b) Alternative Fuels found below standard shall be subject to the penalties as provided in Section 525.16, Florida Statutes. These penalties are specified in Rule 5F-2.016, F.A.C.

5F-2.003 Registration and Identification.

(4) All racing gasoline or gasoline designed for special use that is kept, offered, or exposed for sale, or sold at retail that does not meet standards established in subsection 5F-2.001(1), F.A.C.:

(a) May not be advertised or represented, in writing or orally, to be suitable for use in ordinary motor vehicles or boat motors;

(b) Shall be accompanied by a conspicuous sign on the dispenser stating that the product does not meet gasoline specifications; and

~~(c) May not be dispensed into vehicles or boats unless the appearance of said vehicles or boats indicate they are used primarily for racing or special purposes.~~

- (5) No change.

(6) Beginning June 1, 2006, every retail diesel fuel dispenser shall have the proper grade designation to indicate the sulfur content of the diesel fuel being sold therefrom conspicuously and firmly attached thereto. Lettering must be in block letters of no less than 24-point bold type and printed in a color contrasting the background. The label shall be placed on the vertical surface of each dispenser housing on each side that has measure and price meters. The label shall be on the upper two-thirds of the dispenser and clearly visible to anyone dispensing fuel from the dispenser. The label shall include all of the following text relating to the grade of diesel fuel sold through the dispenser:

- (a) through (b) No change.

(c) For all non-highway diesel fuel:

NON-HIGHWAY DIESEL FUEL (may exceed 500 ppm Sulfur, but not more than 5,000 ppm Sulfur Maximum)

WARNING – Federal law prohibits use in highway vehicles and engines. Its use may damage these vehicles and engines.

- (7) No change.

(8) All alternative fuel kept, offered, or exposed for sale, or sold, at retail that contains more than 10% ethanol, methanol or other alcohol shall be identified by a name indicating the amount and type(s) of ethanol, methanol or other alcohol in the fuel and shall be labeled as such on the vertical surface of each dispenser housing on each side that has measure and price meters with a sign clearly visible and located on the upper fifty percent of the dispenser front panel in a type at least 1/2 inch in height and 1/16 inch stroke (width of type).

(a) Ethanol mixed with gasoline and containing an ethanol content of nominally 75%-85% or more, but no less than 70%, shall be identified as "E85 Fuel Ethanol."

(b) Methanol mixed with gasoline and containing a methanol content of nominally 80%-85% or more, but no less than 70%, shall be identified as "M85 Fuel Methanol."

(e) Alcohol (other than methanol or ethanol) mixed with gasoline and containing an alcohol content of 85%, but no less than 70%, shall be identified in a similar fashion as those in (a) and (b).

- (9) through (10) No change.
- 5F-2.014 No change.

5F-2.016 Guidelines for Imposing Administrative Penalties

- (1) through (5)(d) No change.

The administrative fine will be a sum of the assigned monetary amounts of these factors. These factors will be assigned monetary amounts in the following manner:

1. The degree of harm is determined by the severity and nature of the violation and the extent of harm will be determined by the amount of substandard product sold.

a. Severity and Nature of the Violation

Gasoline			
Fine	\$100	\$250	\$500
Distillation: End Point, °F	475	476-500	>500
Distillation: 10, 50 & 90% evaporated temperature, °F		all violations	
Vapor Pressure, psi	April-October : >maximum but < 11.5	November-M arch: >13.5 April-October : >11.5	
Antiknock Index			>2.0 below displayed value
Sulfur			all violations
Gum			all violations
Alcohol/Oxygenates		>maximum but <20%	>20%
Silver Corrosion			all violations

Diesel, Biodiesel Blends, Kerosene and Fuel Oils

Fine	\$100	\$250	\$500
Flash Point, °F	diesel, biodiesel blends & fuel oils: 80-95. kerosene: 80-91	diesel, biodiesel blends, kerosene & fuel oils: 60-79	diesel, biodiesel blends, kerosene & fuel oils: <60
Distillation		diesel, biodiesel blends, kerosene & fuel oils: all violations	

Sulfur*			all violations
Lubricity			all violations
Biodiesel, % vol	Biodiesel blends: >20		

*Sulfur requirements for Ultra Low Sulfur Diesel (ULSD or S15) will be elevated to 22 ppm until September 1, 2006 at the wholesale level and October 15, 2006 at the retail level. See 40CFR Part 80 as amended in Federal Register on November 22, 2005, volume 70 number 224, page 70498 Fuel Ethanol (Ed75-Ed85) and Fuel Methanol (M70-M85)

Fine	\$100
Ethanol content	Fuel Ethanol (Ed 75-Ed85): all violations
Methanol content	all violations
Vapor Pressure	all violations
Sulfur	all violations
Water content	all violations

Biodiesel Fuel Blend Stock (B100)

Fine	\$100
Flash Point	all violations
Water and sediment content	all violations
Sulfur	all violations
Glycerin	all violations
Distillation: 90%	all violations

- b. No change.
- 2. through 4. No change.

Specific Authority 525.14 FS. Law Implemented 525.16 FS. History—New 2-24-00, Amended 7-30-02,_____.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Fruit and Vegetable

RULE NO.: 5G-5.001
 RULE TITLE: Alternative Inspection Programs
 NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S, published in Vol. 32, No. 4 of the January 27, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The changes are as follows:

5G-5.001 Alternative Inspection Programs.

The Division of Fruit and Vegetables shall ~~may~~ approve registered citrus processing plants that apply for, agree to comply with and qualify to operate under the Florida Quality Systems Certification Program Description and Guidelines, dated ~~April 4, 2006~~ ~~January 17, 2006~~ hereby adopted by

reference and available from the Division of Fruit and Vegetables, Department of Agriculture and Consumer Services, P. O. Box 1072, Winter Haven, Florida 33882-1072.

Specific Authority 570.07(23) ~~(21)~~ FS. Law Implemented 570.07(2), (16), (21), 601.27, 601.49 FS. History—New_____.

The date of publication of the proposed rule development in the FAW was corrected to read, “January 27, 2006”.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shannon Shepp, Director, Division of Fruit and Vegetable, Department of Agriculture and Consumer Services, 500 3rd Street, Winter Haven, Florida 33881, (863)291-5820

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Office of Agricultural Water Policy

RULE NOS.:	RULE TITLES:
5M-7.001	Purpose
5M-7.002	Approved BMPs
5M-7.003	Presumption of Compliance
5M-7.004	Notice of Intent to Implement
5M-7.005	Record Keeping

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 8, February 24, 2006, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
14-75.003	Qualification, Selection, and Performance Evaluation Minimum Qualification Standards by Type of Work

NOTICE OF CORRECTION

The previously proposed notice of rulemaking was withdrawn and a revised notice was published in Florida Administrative Weekly, Vol. 32, No. 12, March 24, 2006. Although the revised notice was in response to the Joint Administrative Procedures Committee a review of the previous notice and to correct items missed in the revised notice had some errors, which needed to be corrected. The following are corrections to the Notice of Correction published in Florida Administrative Weekly, Vol. 32, No. 13.

SUMMARY OF CORRECTION:

1. 14-75.003(5)(h)1.d.(II): Change “Type of Work 9.2.2” to “Type of Work 9.4.2” in the heading. NOTE: The word “Work” should have appeared instead of “Word” as corrected herein.
2. 14-75.003(5)(i)1.d.: Change “Type of Work 10.4: Major Bridge CEL.” to “Type of Work 10.4: Minor Bridge and Miscellaneous Structures CEL.” in the heading.

3. 14-75.003(5)(i)2.d.: Change “. . . two engineers/project administrators. . .” to “. . . two engineers/technicians. . .” NOTE: The correction is to the paragraph number, which should have been “2.d.” instead of “1.d.”

4. 14-75.003(5)(i)2.e.: Change “. . . performance of CEI for Type of Work 10.5.2.” to “. . . performance of CEI for Type of Work 10.5.1.” in 14-75.003(5)(i)1.e. NOTE: The correction is to the paragraph number, which should have been “2.e.” instead of “1.e.”

Note also, that the #4. correction referred to the first subparagraph e., and there was a correction to numbering. That correction of numbering was not needed as the correction had already been made by the editors before publishing the revised notice of rulemaking.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59G-4.199	Mental Health Targeted Case Management

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 50, December 16, 2005, issue of the Florida Administrative Weekly. This is the second Notice of Change. The first Notice of Change was published in Vol. 32, No. 10, March 10, 2006, issue of the Florida Administrative Weekly. These additional changes were made in response to comments received at the public hearing and from the Department of Children and Families after the public hearing.

In the rule text in paragraphs (2) and (3), all references to “October 2005” were changed to “July 2006.” In paragraph (2), the last sentence was revised to read, “Both handbooks are available from the Medicaid fiscal agent’s website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.”

The proposed rule is incorporating by reference the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook. The effective date of the handbook was changed to July 2006, and the footer dates on all the handbook pages were changed to July 2006. The following revisions were made to the handbook:

Introduction, page i, Background, last paragraph, we deleted the reference to Transportation Services, because it is no longer a combined coverage and limitations and reimbursement handbook.

Chapter 1, page 1-3, Enrollment Process, second bullet, we changed "Certification forms signed by the district or regional SAMH office" to "signed by the area Medicaid office."

Chapter 1, page 1-4, District of Regional SAMH Office Responsibilities, we moved the first and forth bullet to a new section entitled, "Area Medicaid Office Responsibilities." The second bullet was revised to read, "May participate in the process the training targeted case managers." We deleted, "every three months." We added a third bullet to the new section that the area Medicaid office is also responsible for "participating in the process of training targeted case managers."

Chapter 1, page 1-5, Provider Agency Qualifications, we changed the first bullet to read, "Must be certified by its area Medicaid office for the specific target group(s) that the agency will serve." Under Provider Agency Certification, first paragraph, first sentence, we deleted, "in conjunction with DCF." In the second paragraph, we revised the references to the district or regional SAMH program office certifying the mental health targeted case management agency to the area Medicaid office.

Chapter 1, page 1-6, Administrative Provider Agency Certification Criteria for Mental Health Targeted Case Management, bullet 6, we deleted, "and DCF Mental Health Central Office, the district or regional SAMH office." In bullet 10., we changed "in-service training," to "targeted case management training," and deleted approved by "DCF."

Chapter 1, page 1-8, Supervisor Certification Criteria, second paragraph, first sentence, was revised to state that the training must be approved by AHCA.

Chapter 1, page 1-9, Individual Children's Mental Health Targeted Case Manager Certification, bullet 1, the third paragraph was deleted because it is no longer applicable. Bullet 2, first sentence, was revised to state that the individual, "has completed or agrees to complete AHCA-approved mental health targeted case management training. . ."

Chapter 1, page 1-10, Individual Adult Mental Health Targeted Case Manager Certification, bullet 1, third paragraph, "can" was changed to "may." Bullet 2 was revised to state that the individual, "has completed or agrees to complete AHCA-approved mental health targeted case management training. . ."

Chapter 2, page 2-3, Certification Criteria for Children's Mental Health Targeted Case Management, the last paragraph was numbered bullet 9 and corrected to read, "Has relocated from a DCF district or region where he was receiving mental health targeted case management services. This must be documented in the recipient's case record."

Chapter 2, page 2-5, Certification Criteria for Adult Mental Health Targeted Case Management, bullet 9 was corrected to read, "Has relocated from a DCF district or region where he was receiving mental health targeted case management services. This must be documented in the recipient's case record."

Chapter 2, page 2-9, Institutions for Mental Diseases, we revised the first sentence to read, "Medicaid does not reimburse for mental health targeted case management services rendered to a resident of an institution for mental diseases (IMD), unless the resident is participating in the Statewide Inpatient Psychiatric Program Waiver."

Chapter 2, page 2-10, third bullet, we replaced the acronyms with full titles. In the sixth bullet, we made the last sentence a separate bulleted item.

Chapter 2, page 2-12, Transportation, second paragraph, we corrected the last sentence to read, "Medicaid contracts with a vendor, who arranges for non-emergency transportation services for Medicaid recipients."

Chapter 2, page 2-12, Travel, the policy was rewritten to read, "Reimbursement for travel time is incorporated into the unit rate and may not be billed separately."

Chapter 2, page 2-21, Documentation Reviews, the reference to the district or regional SAMH program office was deleted.

Chapter 3, page 3-2, Exceptions to Service Limits, the second paragraph was deleted, because exceptions to the service limits are not available for adults age 21 and older.

Appendix A, the Maximum Fee was changed to \$12.00 per unit.

Appendices B, C, D, and L, the signature block was changed from the District or Regional SAMH Designated Representative to the Area Medicaid Office Designated Representative.

Appendices B and C, bullet 10, was revised to read, "Has the ability to maintain and produce documentation that verifies that mental health targeted case managers have participated in case management training as required and approved by AHCA."

Appendices E and F, third bullet, first sentence, and Appendices G and H, second bullet, "SAMH approved" mental health targeted case management training was replaced with "AHCA-approved" mental health targeted case management training.

A copy of the revised Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, July 2006, is available from Michelle Comeaux, Bureau of Medicaid Services, at 921-8288.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NOS.:	RULE TITLES:
64B18-14.002	Penalties
64B18-14.010	Citations

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 32, on August 12, 2005, Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Developmental Services Program

RULE NO.:	RULE TITLE:
65B-4.033	Determination of Mental Retardation: Intelligence Tests to be Administered

NOTICE OF CORRECTION

Notice is hereby given that the Division title for the above Proposed Rule, published in Vol. 32, No. 13, March 31, 2006 issue of the F.A.W., was incorrectly listed as Agency for Persons With Disabilities.

DEPARTMENT OF FINANCIAL SERVICES

Division of Workers’ Compensation

RULE NO.:	RULE TITLE:
69L-7.501	Florida Workers’ Compensation Reimbursement Manual for Hospitals

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 16, April 22, 2005, Florida Administrative Weekly, has been withdrawn.

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section V
Petitions and Dispositions Regarding Rule Variance or Waiver**

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 29, 2006, the Department of State received a Petition of Variance/Waiver of section IX(H) of the Public Library Construction Grant Guidelines, which is incorporated by reference into Rule 1B-2.011, F.A.C., by the Town of Surfside. The Petition is seeking a variance from the rule that gives a recipient of a public library construction grant, 540 days from the date of the grant award to place the construction project under contract. There are no exceptions to this requirement unless the grant recipient is involved in litigation.

A copy of this petition can be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

The Department of State will accept comments concerning this petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at the Department of State, Office of the General Counsel, 500 South Bronough Street, Tallahassee, FL 32399-0250.

DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that the Florida Department of Transportation received a Petition for Variance from Hillsborough Area Regional Transit Authority on April 3, 2006, seeking a variance from the provisions of paragraph 14-90.007(3)(a), Florida Administrative Code. Paragraph 14-90.007(3)(a), Florida Administrative Code establishes minimum curbside mirror clearance requirements for Type I transit buses. Hillsborough Area Regional Transit Authority proposes the Department grant a variance pertaining to minimum curbside mirror clearance for select Type II vehicles within their transit system.

Comments on this proposed variance should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance may be obtained from the Clerk of Agency Proceedings. For additional information, contact Katie S. Buchanan, Assistant General Counsel, (850)414-5265.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 23, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Mia Savannah’s Catering Cafe located in Jacksonville. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to be excluded from the requirement to have a public restroom since the establishment will be delivery and catering only.

This variance request was approved April 6, 2006 and is contingent upon Petitioner notifying guests to the location of the public bathroom facilities by directional signage, the public restrooms have running water at all times, operate in a clean and sanitary manner, provided with soap and an approved method to dry hands. Petitioner will operate a catering facility. If the operating hours or accessibility for the restrooms at Peb’s Book Store changes, this variance request will be re-evaluated for the waiver of a public restroom. This variance is not transferable under any conditions. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Waiver or Variance, which was filed by on April 11, 2006, by Steven D. Sizemore (Petitioner). Petitioner is seeking a waiver or variance of Rule 61G4-15.005, Florida Administrative Code, with regard to being granted licensure by endorsement under the criteria set forth in Section 489.115(3), Florida Statutes. Comments on this petition should be filed with Construction Industry

Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this Notice.

The Board will consider the Petition at its meeting, to be held on May 12, 2006, in Tampa, Florida.

For a copy of the Petition, contact: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, at the above address.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on April 6, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.004(14), and paragraph 67-48.004(1)(a), Florida Administrative Code, and Part II.A.2.a.(1) and Part II.B.1 of the Universal Application Instructions, from Dixie Court Associates, Ltd. (“Petition”). The Petition is seeking a waiver of the Rules to allow a change in the Developer Entity for Dixie Court Associates, Ltd., (the “Development”) from HEF-Dixie Court Development, LLC to Dixie Court Development, LLC (the “Proposed Developer”).

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: May 2, 2006, 12:00 Noon – 1:00 p.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss current and proposed Council programs and budget issues.

Additional information may be obtained by writing to: Vicki O'Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O'Neil at the number above.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Food and Nutrition Advisory Council.

DATE AND TIME: May 4, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: The TradeWinds Resort, 5600 Gulf Boulevard, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and review the status of food and nutrition programs and initiatives in the State of Florida.

A copy of the agenda can be obtained by contacting: Cathy Quick, 407 S. Calhoun Street, Mayo Building, 2nd Floor (M39), Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact: Cathy Quick, (850)487-6694 by April 28, 2006.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Viticulture Advisory Council.

DATE AND TIME: Monday, May 15, 2005, 2:00 p.m.

PLACE: Collins Building, Conference Room, 2051 East Dirac Drive, Innovation Park, Tallahassee, Florida 32310-3760, (850)488-0163

GENERAL SUBJECT MATTER TO BE CONSIDERED: VAC Board Meeting.

The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council.

For additional information or if you need special accommodations, call Tom Thomas, (850)922-9827.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Viticulture Advisory Council.

DATE AND TIME: Monday, May 16, 2005, 9:00 a.m.

PLACE: Collins Building, Conference Room, 2051 East Dirac Drive, Innovation Park, Tallahassee, Florida 32310-3760, (850)488-0163

GENERAL SUBJECT MATTER TO BE CONSIDERED: VAC Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Viticulture Advisory Council.

For additional information or if you need special accommodations, call Tom Thomas, (850)922-9827.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Monday, May 1, 2006, 6:00 p.m. – 9:00 p.m. EST

PLACE: Ocala Hilton, 3600 S. W. 36th Avenue, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: Chris Reed, 7160 North Lecanto Highway, Hernando, FL 34442 (352)489-5267.

DEPARTMENT OF EDUCATION

The Florida **Department of Education** announces a public meeting to which all persons are invited.

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

PLACE: Department of Education, Turlington Building, Room 1721/25, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second meeting of the Performance Pay Steering Committee.

For additional information, please contact: Cheri Pierson Yecke, Ph.D., Chancellor, K-12 Public Schools, Tallahassee, FL, (850)245-0509.

The public is invited to a meeting of the Florida **Board of Governors**.

DATE AND TIME: May 5, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2006 Florida Legislature; and other matters pertaining to the Florida Board of Governors.

A copy of the agenda may be obtained from the Board of Governors website at <http://www.flbog.org> and from the Department of Education's website at <http://www.fldoe.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The University of South Florida, Louis De La Parte Florida Mental Health Institute announces the Medicaid Drug Therapy Management Program Executive Committee meeting to which all persons are invited.

DATE AND TIME: Friday, April 28, 2006, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A review of the status of the program including updates from USF and the subcontractors and a discussion of the important points of coordination for upcoming work.

Events, activities, programs, and facilities of the University of South Florida are available to all without regard to race, color, marital status, sex, religion, national origin, disability, age, Vietnam or disabled veteran status as provided by law and in accordance with the University's respect for personal dignity.

Accommodations for disabilities: Persons with a documented disability requesting reasonable accommodations should contact: Lizddy Davis, Department of Mental Health Law and Policy, 13301 Bruce B. Downs Blvd., MHC 2731, Tampa, FL 33612, (813)974-9342 or Suncom 574-9342 or via email to ldavis@fmhi.usf.edu, with at least 10 days advance notice prior to the meeting.

The Board of Directors of the Florida Public Archaeology Network (FPAN), **University of West Florida**, will hold a meeting to which all persons are invited.

DATE AND TIME: Friday, May 12, 2006, 8:00 a.m. EST – Will last approximately five hours

PLACE: The Chastain Campus of Indian River Community College, 2400 S. E. Salerno Road, Room 226, Stuart, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regular meeting of the Board of Directors in which the operation of the Network is to be reviewed.

CONTACT PERSON: Cheryl Phelps, FPAN, (850)595-0050, cphelps@uwf.edu.

Information on the FPAN can be obtained at www.flpublicarchaeology.org. An agenda for this meeting will be posted on this Web site at least seven days in advance of the meeting and can also be obtained by contacting the FPAN as detailed below.

Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to attend these meetings is requested to advise UWF by contacting the UWF ADA Office at 1(850)857-6114 (TTY) at least 48 hours before each meeting.

The Department of Education, Division of Blind Services' Business Enterprises Program announces the second quarter 2006 State Committee of Vendors' Sub-Committee Conference Call Meetings' Schedule.

Training and Retraining Sub-Committee Meetings

DATE AND TIME: April 25, 2006, 3:20 p.m. – 4:30 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

DATE AND TIME: May 23, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

DATE AND TIME: June 20, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free (800)416-4132, Tallahassee (850)922-7892

Transfer and Promotion Sub-Committee Meetings

DATE AND TIME: April 25, 2006, 7:00p.m. – 8:00 p.m.

PLACE: Toll Free (888)816-1123, Tallahassee (850)921-5230

DATE AND TIME: May 23, 2006, 7:00 p.m. – 8:00 p.m.

PLACE: Toll Free (888)816-1123, Tallahassee (850)921-5230

DATE AND TIME: June 20, 2006, 7:00 p.m. – 8:00 p.m.

PLACE: Toll Free (888)816-1123, Tallahassee (850)921-5230

Marketing and Public Relations Sub-Committee Meetings

DATE AND TIME: April 27, 2006, 7:00 p.m. – 8:00 p.m.

PLACE: Toll Free (888)816-1123, Tallahassee (850)921-5230

DATE AND TIME: May 25, 2006, 7:00 p.m. – 8:00 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

DATE AND TIME: June 22, 2006, 7:00p.m. – 8:00 p.m.

PLACE: Toll Free (888)816-1123, Tallahassee (850)921-5230

Constitution, By-Laws and Policy Development Sub-Committee Meetings

DATE AND TIME: April 27, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

DATE AND TIME: May 25, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

DATE AND TIME: June 22, 2006, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free (877)651-3473, Tallahassee (850)413-9245

PLACE: To attend any of these conference call meetings, an interested party will need to call the Toll Free or Tallahassee calling area numbers as posted above.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Topics pertinent to the Sub-Committee's titular assignments.

NOTE: Any changes or cancellations involving these meetings shall be posted on the web page maintained by the Division's Business Enterprises Program at <http://myflorida.com/dbs/bep>

The Florida **Department of Education**, Office of Independent Education and Parental Choice announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: April 28, 2006, 9:00 a.m. – Until completion

PLACE: 325 W. Gaines Street, Conference Room 1703/07, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the application denial Survivors Charter School. vs. Palm Beach County School Board.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact the Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces the following meetings to which all persons are invited.

DATE AND TIME: May 1, 2006, 9:00 a.m.

PLACE: Sheraton Safari Hotel, 12205 Apopka-Vineland Road, Lake Buena Vista, Florida 32836, (800)423-3297

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Accessibility Advisory Council to consider the following applications for waiver from the accessibility code requirements: Florida Marines Agency Shipping Lines, 3795 N.W. South River Drive, Miami; Little Haiti Soccer Park, 6301 N.E. 2nd Avenue, Miami; Planet Fitness, 19 Alafaya Woods Boulevard, Oviedo; Herrle Communications Group, 117 South Gadsden Street, Tallahassee; RiverTown Boat House, 3500 State Road 13 North, St. Augustine; Seminole Community College, 850 State Road 434, Altamonte Springs; Regions Tower, 1555 Palm Beach Lakes Boulevard, West Palm Beach; Legal Services of North Florida, 2119 Delta Boulevard, Tallahassee; Greyhound Bus Terminal, 112 West Tennessee Street, Tallahassee.

DATE AND TIMES: May 1, 2006

8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC.

9:00 a.m. Education Course Accreditation Workshop.

1:00 p.m. Meeting of the Code Administration Technical Advisory Committee.

2:30 p.m. Meeting of the Accessibility Technical Advisory Committee.

2:30 p.m. Product Approval Training.

3:00 p.m. Meeting of the Education Program Oversight Committee.

DATE: May 2, 2006

8:30 a.m. Meeting of the Plenary Session of the Florida Building Commission. Review and approval of the Agenda. Review and approval of the March 21 and 22, 2006 Minutes and Facilitator’s Report.

Report on the Panhandle Wind Borne Debris Study Chair’s Discussion of Issues and Recommendations.

Review and Update of Commission Workplan

Supplemental Hearing on Rule 9B-1, Manufactured Buildings. Consideration of requests for waiver from accessibility code requirements: Florida Marines Agency Shipping Lines, 3795 N. W. South River Drive, Miami; Little Haiti Soccer Park, 6301 N. E. 2nd Avenue, Miami; Planet Fitness, 19 Alafaya Woods Boulevard, Oviedo; Herrle Communications Group, 117 South Gadsden Street, Tallahassee; RiverTown Boat House, 3500 State Road 13 North, St. Augustine; Seminole Community College, 850 State Road 434, Altamonte Springs; Regions Tower, 1555 Palm Beach Lakes Boulevard, West Palm Beach; Legal Services of North Florida, 2119 Delta Boulevard, Tallahassee; Greyhound Bus Terminal, 112 West Tennessee Street, Tallahassee.

Consideration of Applications for Product and Entity Approval.

Consideration of Legal Issues and Petitions for Declaratory Statement

Second Hearing:

DCA05-DEC-219 by Dr. Humayoun Farooq, PE, Al-Farooq Corporation

DCA06-DEC-014 by Kevin McGrath, PE, Four Seasons Solar Products, LLC

DCA06-DEC-067 by Joseph Hetzel, PE, DASMA

DCA06-DEC-068 by Jack Glenn, CBO, Florida Home Builders Association

DCA06-DEC-072 by Diego Rivera, Diritec Corporation

First Hearing:

DCA06-DEC-092 by Dennis Fischer, City of Edgewater

DCA06-DEC-094 by James V. Miller, President, QMI Security Solutions

Update on 2006 Legislative Session

Report on Code Amendment Process Review Work Group Recommendations for the 2007 Florida Building Code Update.

Consideration of Committee Reports and Recommendations: Accessibility TAC Report; Code Administration TAC Report; Education POC Report; and Product Approval/Prototype Buildings/Manufactured Buildings Program Oversight Committee Report.

Consider Proposed 2006 Glitch Amendments to the 2004 Florida Building Code and the Technical Advisory Committee Recommendations to the Commission

Recess until Wednesday at 8:30 a.m.

DATE AND TIME: May 3, 2006

8:30 a.m. Reconvene Meeting of the Plenary Session of the Florida Building Commission.

Review and approval of the Agenda.
Reconvene Review of the Proposed 2006 Glitch Amendments to the 2004 Florida Building Code and the Technical Advisory Committee Recommendations to the Commission (as necessary).
Commission Member Comments and Issues
General Public Comment
Review Committee Assignments and Issues for the July 10-12, 2006 Commission Meeting.
Summary Review of Meeting Work Products
DATE AND TIME: May 3, 2006
1:00 p.m. Meeting of the Product Approval Validation Work Group.
DATE AND TIME: May 4, 2006
8:30 a.m. Meeting of the Product Approval Validation Work Group.
A copy of the Committee and Commission meeting agendas and other documents may be obtained by sending a request in writing to: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, Fax (850)414-8436, or looking on the web site at www.floridabuilding.org
If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
Any person requiring a special accommodation at the meetings because of a disability or physical impairment should contact Ms. Barbara Bryant at the Department of Community Affairs, (850)487-1824, at least ten days before the meetings. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Building Commission** hereby gives notice that there will be an additional hearing on Rule 9B-1, Fla. Admin. Code.
DATE AND TIME: May 2, 2006, 10:25 a.m.
PLACE: Sheraton Safari Hotel, 12205 S. Apopka-Vineland Road, Orlando, Florida 32836
GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the additional hearing is to take additional comments pertaining to fees as approved by the Commission at its February meeting.
Any person requiring special accommodation at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski

Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE AND ADDITIONAL HEARING IS: Michael D. Ashworth, Manufactured Buildings Program Manager, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)922-6075, e-mail address: michael.ashworth@dca.state.fl.us.

DEPARTMENT OF LAW ENFORCEMENT

The **Department of Law Enforcement, Medical Examiners Commission** announces a Medical Examiners Commission Meeting.
DATE AND TIME: Tuesday, May 23, 2006, 1:00 p.m.
PLACE: Embassy Suites Tampa-Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555
GENERAL SUBJECT MATTER TO BE CONSIDERED: Medical Examiners Commission Meeting.
Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the Medical Examiners Commission Office, (850)410-8600, at least five (5) working days prior to the meeting.
If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, such person is responsible for ensuring that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
Additional information or a copy of the agenda may be obtained by contacting: Mrs. Victoria G. Marsey, Bureau Chief, Bureau of Standards, Criminal Justice Professionalism Services, Medical Examiners Commission, Post Office Box 1489, Tallahassee, Florida 32302, (850)410-8600.

DEPARTMENT OF TRANSPORTATION

The Florida **Department of Transportation**, District Six announces a public hearing to which all persons are invited.
DATE AND TIMES: Tuesday, May 23, 2006, Open House, 6:00 p.m. – 7:00 p.m.; Formal Presentation, 7:00 p.m.
PLACE: Miami-Dade County Fire Rescue Auditorium, 9300 N. W. 41st Street, Doral, Florida 33178
GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of the proposed project Financial Project Identification Number 414731-1-22-01, otherwise known as the N. W. 74th Extension Project Development and Environment (PD&E)

Study. The proposed project would consist of providing a six lane arterial roadway, the N. W. 74th Street extension from N. W. 114th Avenue to SR-826/Palmetto Expressway. The roadway from N. W. 114th Avenue to N. W. 107th Avenue will be widened in the west bound direction to provide a third thru lane. The section from N. W. 107th Avenue to N. W. 87th Avenue will consist of a new six-lane roadway. The eastern section east of N. W. 87th Avenue will be reconstructed from four to six lanes. Bicycle lanes will be provided from N. W. 107th Avenue to N. W. 87th Avenue. Right-of-way acquisition is anticipated for the project. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. This project is being developed in compliance with Titles VI and VIII of the Civil Rights Act.

Anyone needing project or public hearing information, including a copy of the hearing agenda, may contact: Rene de Huelbes, P.E., Project Manager, Florida Department of Transportation, 1000 N. W. 111th Avenue, Room 6111-A, Miami, Florida 33172, (305)470-5308, email: rene.dehuelbes@dot.state.fl.us.

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact: Mr. Brian Rick, Florida Department of Transportation, 1000 N. W. 111th Avenue, Miami, Florida 33172, (305)470-5349, e-mail: brian.rick@dot.state.fl.us.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

The Florida **Department of Transportation**, District Five announces a public hearing to which all persons are invited.

DATE AND TIMES: May 18, 2006, 6:00 p.m., Open House; 7:00 p.m., Formal Public Hearing

PLACE: Willie Miller Instructional Center Auditorium, Embry Riddle University, 600 S. Clyde Morris Boulevard, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project Number 408178-1-22-01, otherwise known as the State Road 483 Project Development and Environment (PD&E) Study. The limits of the project are from SR 400 (Beville Road) to SR 600 (International Speedway Boulevard) in Volusia County, Florida. In addition, access management standards, under Section 335.18, Florida Statutes, are being addressed.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Florida Department of

Transportation, District Five, 719 South Woodland Boulevard, MS 4-501, DeLand, Florida 32720, or call Mr. Bill Walsh, Project Manager, (386)943-5411.

Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing to: Mr. Bill Walsh, Project Manager, Florida Department of Transportation, District Five, 719 South Woodland Boulevard, MS 4-501, DeLand, Florida 32720.

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."

STATE BOARD OF ADMINISTRATION

The **State Board of Administration** of Florida (SBA) has solicited competitive responses from parties interested in offering credit/liquidity support facilities to the SBA. The Invitation to Negotiate (ITN) is available as of April 12, 2006, and may be obtained from the FHCF website at <http://www.sbafla.com/fhcf/> (under "What's New"). A meeting will be held on:

DATE AND TIME: May 18, 2006, 9:00 a.m. (ET) and continue until concluded

PLACE: Emerald Coast Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and evaluate the responses received.

DATE AND TIME: May 24, 2006, 9:00 a.m. (ET) and continue until concluded

PLACE: Gold Coast Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: A meeting will be held to select vendor(s) to provide credit/liquidity support facilities pending successful contract negotiations. The SBA reserves the right to reject any or all proposals and to cancel any ITN's. All meetings are open to the public and shall take place at the times and locations shown below:

Any person requiring special accommodations to participate in any meeting is asked to advise: Anne Bert, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1342, at least five (5) calendar days before the meeting.

DEPARTMENT OF CITRUS

The **Department of Citrus** announces an emergency meeting of the Special Industry Sub-Committee, Lobbying, to which all persons are invited.

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

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review questionnaire results and to discuss any other issues that may properly come before the Commission.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Bill Jones at the above address or by telephone at (888)461-8118.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, May 3, 2006, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

A copy of the Agenda may be obtained by writing to: the Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450 or may be viewed at <http://www.fpc.state.fl.us>.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

The **Florida Parole Commission** and the Florida Parole Commission Qualifications Committee announces that a public meeting will be held by telephone conference call to which all persons are invited.

DATE AND TIME: May 3, 2006, 1:00 p.m.

PLACE: Via telephone conference call (850)414-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To determine applicants to be interviewed for the Parole Commissioner position.

Any person who decides to appeal a decision of the Florida Parole Commission or the Florida Parole Commission Qualifications Committee with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made. Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing to: the Florida Parole Commission, Attention: Ms. Beatriz Caballero, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450, or telephone (850)488-3417, Suncom 278-3417.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency by sending the notice no later than five working days prior to the proceeding to the address given on the notice.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to be held in the following docket, to which all interested persons are invited.

Docket No. 050581-TP – Complaint of KMC Telecom III LLC and KMC Telecom V, Inc. against Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership for alleged failure to pay intrastate access charges pursuant to interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S.

DATES AND TIMES: May 11, 2006, 10:30 a.m.; May 12, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To permit parties to present testimony and exhibits relative to the complaint of KMC Telecom III LLC and KMC Telecom V, Inc. against Sprint-Florida, Incorporated and Sprint Communications Company Limited Partnership for alleged failure to pay intrastate access charges pursuant to interconnection agreement and Sprint's tariffs, and for alleged violation of Section 364.16(3)(a), F.S., and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on May 1, 2006. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the hearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following teleconference/meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: May 1, 2006, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Nominating Committee

DATE AND TIME: May 2, 2006, 1:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Nominating Committee.

MEETING: Program Committee

DATE AND TIME: May 5, 2006, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Program Committee.

MEETING: Finance Committee

DATE AND TIME: May 5, 2006, 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Finance Committee.

PLACE: North Central Florida Regional Planning Council Office, 2009 N. W. 67 Place, Suite A, Gainesville, Florida

Any person deciding to appeal any decision of these Committees with respect to any matter considered at the meetings may need to ensure that a verbatim record of the proceedings are made.

A copy of the agenda may be obtained by writing to: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 4, 2006, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget, and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 4, 2006, 9:30 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget, and finance policy matters.

A copy of the agenda may be obtained by contacting: the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited:

DATE AND TIME: Thursday, May 4, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Legislative Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, May 4, 2006, 11:30 a.m. following the monthly Board meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss legislative issues.

A copy of the agenda may be obtained by contacting: the Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

The East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, May 19, 2006, 10:00 a.m.

PLACE: ECFRPC Offices, 631 North Wymore Road, Suite 100, Maitland, FL 32751 (Please call (407)623-1075, ext. 335 to confirm date, time, and place)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular quarterly meeting of the Local Emergency Planning Committee.

A copy of the agenda may be obtained by writing to: Ms. Teri Hunalp, LEPC Coordinator, East Central Florida Regional Planning Council, 631 North Wymore Road, Suite 100, Maitland, Florida 32751 or by visiting www.ecfrpc.org

The ECFRPC desires to accommodate persons with disabilities. Accordingly, any physically handicapped person, pursuant to Section 286.26 Florida Statutes, should, at least 48 hours prior to the meeting, submit a written request to the Council that the physically handicapped person desires to attend the meeting.

NOTICE OF CHANGE – The Florida District X, **Local Emergency Planning Committee** meeting scheduled for May 4, 2006 has been changed to May 18, 2006 to which all persons are invited.

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

PLACE: Wolf High, Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the Agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the Board of Directors for the **South Florida Regional Transportation Authority** will hold a meeting to which all interested persons are invited.

BOARD OF DIRECTORS MEETING

DATE AND TIME: Friday, April 28, 2006, 10:00 a.m.

PLACE: The Board Room, South Florida Regional Transportation, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

If you have any questions, please do not hesitate to contact the Executive Office, (954)788-7915.

Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

Board of Directors' Meetings for the South Florida Regional Transportation Authority are generally held on the fourth Friday of each month. Please check our website at www.sfrta.fl.gov for any changes.

CONSTRUCTION OVERSIGHT COMMITTEE

Meetings are generally held each Tuesday. Please check our website at www.sfrta.fl.gov for details.

PROPERTY COMMITTEE MEETING

Notice is hereby given that the South Florida Regional Transportation Authority Property Committee will hold a regular committee meeting on:

DATE AND TIME: Friday, April 28, 2006, 8:30 a.m.

PLACE: Board Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

Should you have any questions, please contact SFRTA Planning Office, (954)935-1930.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors, the Construction Oversight Committee or the Property Committee for the South Florida Regional Transportation Authority with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made,

which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **R. O. Ranch Inc.**, a Florida non-profit corporation, announces the following meeting to which all interested persons are invited.

DATE AND TIME: May 4, 2006, 7:00 p.m.

PLACE: The Chateau Restaurant, Mayo, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors meeting to consider business including the development of equestrian facilities on Suwannee River Water Management District lands.

A copy of the agenda may be obtained by writing: Gwen Lord, Administrative Assistant, SRWMD, 9225 CR 49, Live Oak, FL 32060.

Persons with disabilities who need assistance in order to participate in this meeting may contact: Gwen Lord, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

DATES AND TIMES: Thursday, May 4, 2006, 6:00 p.m., Projects and Land Committee public meeting forum; Friday, May 5, 2006, 8:00 a.m., Projects and Land Committee business meeting followed by a tour of the Julington-Durbin Preserve in Duval County.

PLACE: Both meetings will be held at the Renaissance Resort at World Golf Village, Legends 1 Meeting Room, 500 South Legacy Trail, St. Augustine, Florida 32092

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation and discussion of Lower St. Johns River Basin projects and issues. Business meeting to consider Committee agenda items.

An agenda can be obtained by writing to: the St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or by calling Hazel Hinton, Department of Water Resources, (386)329-4347.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, May 9, 2006, 8:45 a.m., at the St. Johns River Water Management District office, Highway 100 West, 4049 Reid Street, Palatka, FL. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

GOVERNING BOARD AND COMMITTEE CHAIRMEN

DATE AND TIME: Tuesday, May 9, 2006, 8:30 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, May 9, 2006, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, May 9, 2006, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, May 9, 2006, 1:00 p.m.; This meeting may continue on the next consecutive day, Wednesday, May 10, 2006, 8:00 a.m. if necessary to finish regulatory and administrative agendas

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website www.sjrwm.com or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting, which some members of the Governing and Basin Boards may attend. All interested persons are invited.

LAKE PANASOFFKEE RESTORATION COUNCIL MEETING

DATE AND TIME: Monday, May 1, 2006, 5:00 p.m.

PLACE: Sumter County Courthouse Commission Chambers, 209 North Florida Street, Bushnell

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Council business.

MINIMUM FLOWS AND LEVELS WORKSHOP

DATE AND TIME: Wednesday, May 3, 2006, 9:00 a.m.

PLACE: Hernando County Utilities Department, 21030 Cortez Boulevard, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Foster understanding of MFL issues.

These are public meetings, agendas are available by contacting: the Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606; TDD only 1(800)231-6103 (Florida only); Fax (352)754-6874.

The **Southwest Florida Water Management District** announces a continuation of a public hearing to which all persons are invited.

DATE AND TIME: Governing Board meeting, June 27, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Water has requested a hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River. The hearing was scheduled for March 28, 2006 and noticed in the FAW, Vol. 32, No. 11, page 1186. The hearing was opened on that day and continued to the day, time and place described above.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, extension 4658, TDD only number 1(800)231-6103.

WATER MANAGEMENT DISTRICTS

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, April 26, 2006, 2:00 p.m. – Until complete

PLACE: South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to allow potential applicants to learn more about the Alternative Water Supply Grants Program (AWS). This program will discuss and answer questions about the District's Alternative Water Supply program including grant funding, application, and potential projects.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Jane Bucca, project manager, (561)682-6791.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 3, 2006, 9:00 a.m. – Until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Finance Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website (www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 3, 2006, 11:00 a.m. – Until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Human Resources and Outreach Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website

(www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 3, 2006, 1:00 p.m. – Until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Audit Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website

(www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, May 3, 2006, 3:00 p.m. – Until complete

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Land Resources and Construction Committee to discuss and consider District business.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at the (1) District Website

(www.sfwmd.gov/gover/GovBoard/webpage/agenda.html) or (2) by writing to the South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, May 23, 2006, 10:00 a.m.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at the (1) District Website (<http://www.sfwmd.gov/org/ema/toc/draftagenda.html>) or (2) by writing to the South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: June 6, 2006, 10:30 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lower East Coast Subregional (LECsR) Model Peer Review Teleconference meeting. Peer review panel shall discuss progress on tasks.

PLACE: The South Florida Water Management Headquarters, B-1 Building, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406.

A copy of the agenda may be obtained at the (1) District Website <http://webboard.sfwmd.gov:8080/~gwpeerreview>, or (2) by writing to the South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Hope Radin or Laura Kuebler, in the Water Supply Department, (561)682-2120 or (561)682-2815, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406.

FLORIDA SPACE AUTHORITY

The **Florida Space Authority** announces a Pioneer Cup Committee meeting to which the public is invited.

DATE AND TIME: April 28, 2006, 10:00 a.m. – 12:00 Noon EDT

PLACE: Florida Space Authority, Conference Room, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss the status of the Pioneer Cup program, including deliverables, milestones and range safety requirements.

For more information, contact Patrick McCarthy, (321)730-5301, ext. 232.

To obtain a copy of the agenda, write to the Florida Space Authority, 100 Spaceport Way, Cape Canaveral, Florida 32920-4003 or visit their website at www.floridaspaceauthority.com.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact Florida Space Authority at least seven (7) days prior to the meeting.

Please note that if a person decides to appeal any decision made by the Pioneer Cup Committee with respect to any matter considered at the above cited meeting or hearing, they will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceeding, which record includes the testimony and evidence upon which the appeal is to be based.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 27, 2006, 1:30 p.m. – 3:00 p.m.

PLACE: Agency for Community Treatment Services (ACTS) Building, 4612 North 56th Street, Tampa, Florida 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Area Six Managed Care Behavioral Health Advisory Group will hold its quarterly meeting. The purpose of the meeting is to provide a forum for the community to discuss issues surrounding managed behavioral health care services with representatives from the managed care plans, the Agency, and the Department of Children and Families.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Jorja Daniels, (813)871-7600, ext. 132, at least five calendar days prior to the meeting.

For additional information contact: Jorja Daniels, Agency for Health Care Administration, 6800 North Dale Mabry Highway, Suite 220, Tampa, Florida 33607, e-mail danielsj@ahca.myflorida.com

The **Agency for Health Care Administration** will hold a public hearing on proposed Rule 59G-4.199, Mental Health Targeted Case Management Services, if requested within 21 days of the date of this notice. The hearing, if requested, will be held at the date, time, and place shown below (if not requested, this hearing will not be held.).

DATE AND TIME: Tuesday, May 16, 2006, 1:00 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration published a Notice of Proposed Rulemaking on the above referenced rule on December 16, 2005, and held a public hearing on January 9, 2006. The purpose of this hearing is to consider addition revisions to the Florida Medicaid Mental Health Targeted Case Management Coverage and Limitations Handbook, which is being incorporated by reference in the rule. The revisions are listed in a Notice of Change published in this edition of the Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should advise the Agency at least seventy two (72) hours before the meeting by contacting: Michelle Comeaux, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)921-8288.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Black Business Investment Board** (FBBIB) announces its board of directors meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, May 9, 2006, 10:00 a.m.

PLACE: Embassy Suites Hotel-Downtown Orlando, 191 East Pine Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider all business related to the FBBIB and approve actions taken by the Chairman and/or President under delegated authority.

A copy of the agenda may be obtained by contacting: The Florida Black Business Investment Board, 2019 Centre Pointe Boulevard, Suite 101, Tallahassee, FL 32308, (850)878-0826.

If a person decides to take an appeal with respect to any matter considered at this meeting, he/she will need a record of the proceeding and, for such purpose, he/she may need to ensure that verbatim record of the proceeding is made, which record should include the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to attend these meetings, please notify the FBBIB office, (850)878-0826, at least seven (7) days prior to the meetings.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: April 25, 2006, approximately 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The Florida **Board of Veterinary Medicine** announces the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: May 5, 2006, 1:00 p.m.

PLACE: Access Phone: (850)413-9245 or toll free (877)651-3473

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which, are closed to the public. Agenda available on request.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Veterinary Medicine, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-7154, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Architecture and Interior Design** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: May 1, 2006, 1:00 p.m.

PLACE: Doubletree Hotel Tampa – Westshore, 4500 West Cypress Street, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting, portions may be closed to the public.

Ashby Interior Design, Case No. 2005-09669

Johnnie Cartwright, Case No. 2006-002464

Collins & Dupont Interior Design, Case No. 2006-003547

Compton Engineering, Inc., Case No. 2006-008218

Designer Previews, Case No. 2005-043302

Details at Home, Inc., Case No. 2006-005380

Jeanne Durr, Case No. 2005-056173

Ruth Dyer, Case No. 2006-006130

Stacey Goldman, Case No. 2004-002097

Interior Marketplace, Case No. 2005-043366

Jan Jones, Case No. 2005-062972

Destry Pethel, Case No. 2006-004400

Jeff Rumpf, Case No. 2006-008334

Sahara Dreams, Inc., Case No. 2004-046628

Kent D. Seyffer, Seyffer & Koch, Case Nos. 2006-001841 & 2005-049277

Julie Wakely, Case No. 2006-008452

Shirley Wooster, Case No. 2006-009861

Edward H. Wikoff, Case No. 2006-007880

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Smith, Thompson, Shaw & Manausa, P.A., 2075 Centre Pointe Boulevard, Tallahassee, Florida 32308-4893.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Smith, Thompson, Shaw & Manausa, P.A., (850)402-1570, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Monday, May 1, 2006, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida or Meet Me Number: (850)921-5470

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATES AND TIMES: May 4, 2006, 1:00 p.m.; May 5, 2006, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474, at least one week prior to the meeting.

The Florida **Board of Medicine**, Probable Cause Panel (North) announces a telephone conference call to be held via meet me number.

DATE AND TIME: April 28, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Nursing**, North Probable Cause Panel will hold a duly noticed teleconference call meeting to which all persons are invited to attend.

DATE AND TIME: May 8, 2006, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Opticianry** announces an official Board meeting. All interested parties are invited to attend at the address listed below, which is normally open to the public.

DATE AND TIME: May 8, 2006, 9:00 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, FL 32202, (904)355-6664

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Opticianry, 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which records include the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Persons requiring special accommodations due to disability or physical impairment should contact: Sue Foster, (850)245-4474, at least one week prior to the meeting date.

The **Department of Health, the Board of Physical Therapy Practice** announces a conference call to which all persons are invited.

DATE AND TIME: May 2, 2006, 9:00 a.m. or soon thereafter

PLACE: Conference Call Number: (850)922-2903, or toll free (800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by writing to: Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, BIN C05, Tallahassee, Florida 32399-3255, or by calling the board office at (850)245-4373, ext. 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the department at least 48 hours before the workshop/hearing/meeting by contacting the board office at (850)245-4373. If you are hearing or speech impaired, please contact the department by calling 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

Please note that if a person decides to appeal any decision made by the board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Department of Health** announces a meeting of the Research Review and Advisory Committee of the Bureau of Onsite Sewage Programs to which all persons are invited.

DATE AND TIME: May 2, 2006, 10:00 a.m.

PLACE: Polk County Health Department, Conference Room, Environmental Support Building, 2090 East Clower Street, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss current, proposed and potential future onsite sewage research projects, and review draft research reports.

A copy of the agenda may be obtained by contacting: Susan Polangin, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, FL 32399-1713, by phone (850)245-4070, or e-mail Susan_Polangin@doh.state.fl.us

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact Susan Polangin at the address above at least one week prior to the meeting.

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: May 3, 2006, Hearing Session 2:00 p.m.

PLACE: State of Florida, Larson Building, Room 116, 200 East Gaines Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Cotton States Mutual Insurance Company of Florida has requested a 24% average statewide rate increase with regard to its homeowners policies. The requested rate increase is not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to Lori Fitzsimmons at lori.fitzsimmons@fldfs.com. CONTACT NAME AND NUMBER: Lori Fitzsimmons, Esquire (850)413-4158 or Sam Coskey (850)413-2616.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at sam.coskey@fldfs.com at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIMES: May 4, 2006 First Hearing Session, 12:00 Noon; Second Hearing Session 6:00 p.m.

PLACE: State of Florida, Hurston Building, 400 W. Robinson Street, South Tower, 1st Floor, Conference Rooms A & B, Orlando, Florida 32801. Contact name and number: Kristopher Duer, Esquire (850)413-4276 or Sam Coskey (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: St. John Insurance Company has requested a 35.2% average statewide rate increase for homeowners insurance. The requested rate increases were not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to Kristopher Duer at kristopher.duer@fldfs.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email sam.coskey@fldfs.com, at least 48 hours before the hearing.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, April 25, 2006, 2:00 p.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Room 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing to: Brenda DeYounks, Florida Comprehensive Health Association, 820 E. Park Avenue, D-200, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

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

PLACE: Killlearn Inn, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 25, 2006, 4:00 p.m.

PLACE: Killlearn Inn, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

TAMPA BAY ESTUARY PROGRAM

The **Tampa Bay Estuary Program** announces the scheduling of a joint Management Board and Policy Board visioning session to which all persons are invited.

DATE AND TIME: Friday, April 28, 2006, 9:00 a.m.

PLACE: Weedon Island Preserve, 1800 Weedon Drive, N. E., St. Petersburg, FL 33702

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to help discuss the future direction of the Estuary Program.

Please note that if a person decides to appeal any decision made by the Tampa Bay Estuary Program Boards to any matter considered at the above-cited meeting, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

FLORIDA COORDINATING COUNCIL FOR DEAF AND HARD OF HEARING MEDICAL ACCESSIBILITY TASK FORCE

The **Florida Coordinating Council for Deaf and Hard of Hearing Medical Accessibility Task Force** announces its upcoming meeting to which all persons are invited.

DATE AND TIME: April 28, 2006, 9:00 a.m. – 4:30 p.m.

PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803, (407)841-6230

GENERAL SUBJECT MATTER TO BE CONSIDERED: (a) application of the ADA's effective communication requirements in medical settings from the federal and state perspectives; (b) lack of education concerning accessibility requirements; (c) associated costs with providing accessibility; and (d) willingness to provide accommodations for persons who are deaf, hard of hearing, late-deafened, or deaf-blind in Florida.

To request the agenda call toll-free (866)602-3275 (V) or email MaryGrace_Tavel@doh.state.fl.us or info@fcdhh.org.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Sign language and oral interpreter services and communication-assisted real-time translation (CART) services will be provided at this meeting. Any person requiring additional accommodations needs to contact: Mary Grace Tavel at least 14 working days prior to the meeting.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, FWCJUA announces a Safety Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: April 28, 2006, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathy Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: The FWCJUA Safety Committee agenda topics will include but not be limited to, approval of the minutes and Cause, Frequency and Severity Analysis.

A copy of the agenda may be obtained from: FWCJUA's website, www.fwcjua.com or by contacting Kathy Coyne, (941)378-7408.

FLORIDA INDEPENDENT LIVING COUNCIL

The **Florida Independent Living Council** announces the following meetings:

- MEETING: Standards Taskforce Meeting
DATE AND TIME: Friday, April 28, 2006, 1:30 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Personnel Committee Meeting
DATE AND TIME: Tuesday, May 2, 2006, 2:00 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Planning Committee Meeting
DATE AND TIME: Wednesday, May 3, 2006, 2:00 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Evaluation Committee Meeting
DATE AND TIME: Wednesday, May 3, 2006, 3:00 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Executive Committee Meeting
DATE AND TIME: Friday, May 5, 2006, 1:30 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Finance Committee Meeting
DATE AND TIME: Wednesday, May 10, 2006, 10:30 a.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Points Committee Meeting
DATE AND TIME: Wednesday, May 17, 2006, 10:30 a.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Advocacy Committee Meeting
DATE AND TIME: Thursday, May 18, 2006, 2:00 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Standards Committee Meeting
DATE AND TIME: Friday, May 19, 2006, 10:30 a.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- MEETING: Nominating Committee Meeting
DATE AND TIME: Tuesday, May 30, 2006, 2:00 p.m. EST
PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271
- GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting: the Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free (877)822-1993.

Any person, who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

FLORIDA ASSOCIATION OF COURT CLERKS/COMPTROLLERS

The Advisory Board for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

- DATE AND TIME: May 5, 2006, 10:30 a.m. – 12:00 Noon
- PLACE: Nabors, Gilblin & Nickerson P.A., 2502 Rockypoint Drive, Suite 1060, Tampa, Florida 33607
- GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: the Trust's Administrator, FACC Service Corporation, (850)921-0808.

FLORIDA DIABETES ADVISORY COUNCIL

The members of the **Florida Diabetes Advisory Council** (DAC) announces their quarterly business meeting to which all interested persons are invited.

- DATE AND TIME: May 10, 2006, 9:00 a.m. – 1:00 p.m.
- PLACE: The Clarion Hotel Tampa Westshore, Tampa, Florida
- GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Business Meeting.

If you would like to attend, have questions, or require further information, please contact Tia Newman, (850)224-1177.

All requests for special accommodations must be received by Friday, May 5, 2006 at 5:00 p.m. Eastern Time.

ADVOCACY CENTER FOR PERSONS WITH DISABILITIES, INC.

The **Advocacy Center for Persons with Disabilities, Inc.**, Florida's Protection and Advocacy Programs will be holding their Quarterly Board of Directors meeting to which all interested persons are invited.

DATES AND TIME: May 12-13, 2006, 9:00 a.m.

PLACE: Renaissance Fort Lauderdale Hotel, Mistral A&B Room, 1617 S. E. 17th Street, Fort Lauderdale, Florida 33316

For additional information, please contact Dawn Williams or Paige Morgan, (850)488-9071, ext. 218 or 219.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ACCOMMODATION IN ORDER TO ATTEND THIS MEETING PLEASE CONTACT: THE ADVOCACY CENTER FOR PERSON WITH DISABILITIES, INC, 2671 EXECUTIVE CENTER CIRCLE, WEST, SUITE 100, TALLAHASSEE, FLORIDA 32301, (850)488-9071. IF YOU ARE HEARING AND/OR VOICE IMPAIRED, PLEASE CALL (800)346-4127.

CLAY COUNTY ENGINEERING DEPARTMENT

The **Clay County Engineering Department** announces a Public Hearing to which all persons are invited.

DATE AND TIMES: May 16, 2006, Open House, 5:00 p.m.; Formal Presentation, 7:00 p.m.

PLACE: St. Johns River Community College, Thrasher Horne Center for the Arts Conference Center, 283 College Drive, Orange Park, Florida 32065

GENERAL SUBJECT MATTER TO BE CONSIDERED: The hearing is being conducted pursuant to the provisions of Rule Chapter 14-97, Florida Administrative Code, and Section 335.18, Florida Statutes. This hearing is being held in accordance with the Section 339.155, Florida Statutes and is also consistent with the Americans with Disabilities Act of 1990. This hearing is also in compliance with Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, as amended. This hearing is being held to afford interested persons the opportunity to express their views concerning the proposed project Financial Project Identification Number: 208229-1 otherwise known as the College Drive Extension North Project Development and Environment Study. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders 11990 and 11988. Access management standards, under Section 335.18, Florida Statutes, will be addressed.

Anyone needing project or public hearing information may contact Mr. Paul Schmidt, Project Manager, at Reynolds, Smith & Hills, Inc., (904)256-2258 or by writing to Mr. Schmidt, Reynolds, Smith & Hills, Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256 or by e-mail paul.schmidt@rsandh.com

A copy of the agenda may be obtained by writing: Mr. Paul Schmidt, Project Manager, Reynolds, Smith & Hills, Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256 or by e-mail paul.schmidt@rsandh.com

Anyone requesting special accommodations under the Americans with Disabilities Act of 1990 should contact Mr. Schmidt by telephone at (904)256-2258, or by writing to Mr. Schmidt at Reynolds, Smith & Hills, Inc., 10748 Deerwood Park Boulevard, South, Jacksonville, Florida 32256 or by e-mail paul.schmidt@rsandh.com. Special accommodation requests under the Americans with Disabilities Act should be made at least seven days prior to the public hearing.

Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on January 11, 2006, from Contractor Sales, Inc., regarding whether air admittance valves are required to be tested in accordance with ASSE 1051-2002 pursuant to section 917.7, Florida Building Code, Plumbing Volume (2004). It has been assigned the number DCA06-DEC-008.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 21, 2006, from DASMA, regarding whether test reports submitted after January 1, 2006, which pertain to testing initiated before that date, are required to comply with the revised version of subsection 9B-72.040(5), Florida Administrative Code. It has been assigned the number DCA06-DEC-067.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 28, 2006, from DIRITEC Corporation, regarding whether product approval by the Commission of a non-structural accessory for siding applications made from fiber cement is available pursuant to Rule 9B-72, Florida Administrative Code. It has been assigned the number DCA06-DEC-072.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on March 21, 2006, from the City of Edgewater, regarding application of section 3401.7.2.6, Florida Building Code, Building Volume (2001 as amended 06/03), to damaged masonry structural elements of a building that suffered damage the repair of which exceeds 50% of the buildings' replacement value. It has been assigned the number DCA06-DEC-092.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 21, 2006, from Engle Homes, regarding whether section 311.4.3, Florida Building Code, Residential Volume (2004), requires all exterior doors with a step to swing inward. It has been assigned the number DCA06-DEC-068.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on January 19, 2006, from Four Seasons Sunroom, regarding opening protection in sun rooms pursuant to section 1609.1.4, Florida Building Code, Building Volume (2004). It has been assigned the number DCA06-DEC-014.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on February 28, 2006, from Kodi Klip Corporation, regarding whether the use of polycarbonate clips to hold reinforcing bars

in position until they are encapsulated in concrete complies with the Florida Building Code (2004). It has been assigned the number DCA06-DEC-071.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on January 9, 2006, from Martha A. Heller, regarding the application of Chapter 11, Florida Building Code, Building Volume (2004) to single-family residences utilized as rental properties on a transient basis. It has been assigned the number DCA06-DEC-003.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on March 9, 2006, from QMI Security Solutions, regarding the application of Chapter 9B-72, Florida Administrative Code, to generic testing of product and components and development of specifications which are provided to manufacturers to integrate into their products. It has been assigned the number DCA06-DEC-094.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued a Declaratory Statement In Re: Petition for Declaratory Statement, Park Lake Towers Condominium Association, Inc., Docket Number 2006007766.

The Division declares that video images captured by the association's digital video security cameras and copied by the association are official records subject to inspection and

copying pursuant to Section 718.111(12), Florida Statutes, and subsection 61B-23.002(7), F.A.C., and, the association may pass on the reasonable cost of producing this record to the requesting unit owner.

A copy of the Declaratory Statement, Docket Number 2006007766, may be obtained by writing to: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Cape Marco Property Owners Association, Inc., Docket No. 2006019339.

Whether Cape Marco Property Owners' Association is a condominium association as defined by Section 718.103(2), Florida Statutes, and if so, is the developer required to comply with the transfer of control provisions in Section 718.301, Florida Statutes?

A copy of the Petition for Declaratory Statement, Docket Number 2006014351 may be obtained by writing to: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

**Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges**

NONE

**Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee**

NONE

**Section XI
Notices Regarding Bids, Proposals and
Purchasing**

DEPARTMENT OF EDUCATION

INVITATION TO NEGOTIATE

Sealed ITN shall be received by the Florida State University purchasing Department until the dates and times shown for the following projects. ITN may be brought to the bid opening or sent to:

Purchasing Department
Suite A1400, University Center
Florida State University
Tallahassee, FL 32306-2370

prior to ITN opening. Responder must reference solicitation number, opening date and time on outside of bid package to insure proper acceptance. ITN submitted by facsimile are not acceptable. For information relating to the Invitation to Negotiate, contact the Purchasing Agent identified in the ITN Number.

K 5014-7:	Office Supplies
Public Bid Opening:	3:00 p.m., Tuesday, May 2, 2006
	Purchasing Department Conference Room
	Suite A1400 University Center

Non-Manadatory	
Pre-bid Meeting:	2:00 p.m., Tuesday, April 18, 2006

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida St. Petersburg announces that continuing professional services are required for the following disciplines: Architecture and Cost Management. Projects included in the scope of this agreement will be specific projects for renovations, alterations, and additions that have a basic construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$50,000 or less. Campus Service contracts for these projects provide that the consultant will be available on an as-needed basis for the upcoming fiscal year, July 1, 2006 to June 30, 2007. Award of contract is for an initial period of one (1) year with an Owner's option to renew for up to two years in annual extensions. The consultant receiving the award will not have an exclusive contract to perform services for these projects. The university may have additional campus service professionals under contract during the same time period. Firms desiring to provide professional services shall submit a letter of interest specifying the discipline for which they are applying and a completed University of South Florida St. Petersburg "Professional Qualifications Supplement" form. Proposals must not exceed 40 pages, including the "Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned. Attach to each letter of interest:

1. The University of South Florida St. Petersburg "Professional Qualifications Supplement," dated April 2006, completed by the applicant. Applications on any other form will not be considered.

2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be properly chartered by the Florida Department of State to operate in Florida. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability; past experience; design ability; volume of work; and distance from project. The plans and specifications for University projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The University of South Florida St. Petersburg "Professional Qualifications Supplement," descriptive project information, and selection

criteria may be obtained by contacting: Zeynep Tufekci, Contracts Administrator, University of South Florida St. Petersburg, Facilities Planning and Construction, 140 – 7th Avenue So., TER 100, St. Petersburg, FL 33701, e-mail: zeynep@spadmin.usf.edu, phone (727)873-4799. All interested firms are invited and encouraged to attend a pre-submittal meeting to be held at 10:00 a.m., Eastern Standard Time, on May 5th, 2006, at the University of South Florida St. Petersburg, Davis Hall 130, 140 – 7th Avenue So., St. Petersburg, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the short listed applicants and the University of South Florida St. Petersburg. Requests for any project information must be in writing to the above address. Six (6) bound copies of the above required proposal data shall be submitted to: James A. Grant, AIA, Director, Facilities Planning & Construction, University of South Florida St. Petersburg, 140 – 7th Avenue So., TER 100, St. Petersburg, FL 33701. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address by 2:00 p.m., Eastern Standard Time, on May 12, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee may reject all proposals and stop the selection process at any time.

Notice to Bidders

The School District of Lee County, Florida
 Department of Procurement Services

BID REQUEST FOR:

FOOD PRODUCTS FOR LEE COUNTY SCHOOLS

Bid No: B-066443CP Opening Date: Wednesday, May 3, 2006, 10:00 a.m.

Request a bid package by:

Phone: (239)479-4256, Fax: (239)337-8200; In Person or Mail: 3308 Canal Street, Fort Myers, Florida 33916-6594.

Complete Bid Package available only upon request.

By: Chevone Peterson, Procurement Agent

Request for Proposal

The School Board of Nassau County Florida will accept sealed proposals until 3:00 p.m. on 5/15/06 for fully insured group medical insurance. Proposers must be insurance companies, not agents, licensed in the State of Florida.

Proposals must be sealed and clearly marked with the name of the submitting firm and RFP#2006-05 GROUP MEDICAL INSURANCE.

Proposals will be opened and the names of submitting companies only will be read at 3:10 p.m. on the aforementioned date.

Facsimile proposals are not acceptable. Proposals must be exclusive of any federal and state taxes which are not applicable to counties of the State of Florida.

Proposal specifications may be obtained by contacting Ned Tyson, Broker/Consultant, (904)277-0050, Fax (904)277-0915, or gtyon@bellsouth.net.

This request does not in any way obligate the Nassau County School Board to pay any cost incurred by the proposers. All documents will be considered public records.

The Nassau County School Board reserves the right to reject any and/or all proposals, in whole or in part, to waive technicalities and formalities, and to accept the proposal which in the opinion of the Nassau County School Board is in its best interest.

SCHOOL BOARD OF PINELLAS COUNTY

ADVERTISEMENT FOR BIDS

The School Board of Pinellas County, Florida will receive sealed bids in the Purchasing Department of the Walter Pownall Service Center, 11111 South Belcher Road, Largo, Florida until 1:30 p.m. local time, on May 9, 2006 for the purpose of selecting a Contractor for supplying all labor, material, and ancillary services required for the scope listed below.

HVAC Renovation – Bid# 06-968-643
 Leila G. Davis Elementary School
 2630 Landmark Drive
 Clearwater, FL 33761

SCOPE OF PROJECT: Renovation of the existing school of approximately 75,200 s.f. and addition of 1,500 s.f., consisting of: site work, concrete work, masonry, roofing, roof structures, doors, hardware, plastering, drywall, acoustical ceiling systems, painting, plumbing, fire protection, HVAC, electrical, lighting and alarm systems. All site work preparations for building and all site improvements shall be the responsibility of this contractor. This project requires bonding.

A pre-bid conference will be held at the Main Office in Leila G. Davis Elementary School, 2630 Landmark Drive, Clearwater, FL 33761 on April 14, 2006, at 1:00 p.m. Attendance at this pre-bid conference is MANDATORY.

Public opening of the Bids will occur in the Purchasing Conference Room at the above address and all interested parties are invited to be present.

Plans and specifications are available at the office of:

Purchasing Department
 Walter Pownall Service Center
 11111 So. Belcher Road
 Largo, FL 33773

Bonding and insurance are required for this project. The Owner reserves the right to reject all bids.

BY ORDER OF THE SCHOOL BOARD OF PINELLAS COUNTY, FLORIDA

DR. CLAYTON WILCOX NANCY N. BOSTOCK
 SUPERINTENDENT OF SCHOOLSCHAIRMAN
 AND EX-OFFICIO SECRETARY
 TO THE SCHOOL BOARD MARK C. LINDEMANN
 DIRECTOR, PURCHASING

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS, FOR THE CONSTRUCTION OF:

PROJECT NO: BE-07 (WW)

PROJECT NAME AND LOCATION: Installation of a new 200,000 gallon pre-stressed concrete ground storage tank at the Water Treatment Plant located at SUMTER CORRECTIONAL INSTITUTION, in Bushnell Florida.

FOR: STATE OF FLORIDA, DEPARTMENT OF CORRECTIONS

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 (one hundred thousand dollars) or less, a Performance Bond and a Labor and Material Payment Bond are not required.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity; may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two, for a period of 36 months from the date of being placed on the convicted vendor list.

PREQUALIFICATION: Each bidder, whose field is governed by Chapters 399, 489 and 633 of the Florida Statutes, for licensure or certification, must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening date. If not previously qualified by the

Department for the current biennium (July 1 through June 30) of odd numbered years, or you are unsure, please contract Ms. Sandra L. Poole, (850)922-8855, for prequalification instructions. After the bid opening the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the rule requirements is included in the "Instruction to Bidders" under Article B-2 "Bidder Qualification Requirements and Procedures".

Sealed bids will be received, publicly opened, and read aloud on:

DATE AND TIME: May 12, 2006, 2:00 p.m. local time

PLACE: Hartman and Associates, Inc., 4415 Metro Parkway, Suite 320, Fort Myers, Florida 33916

Any person with a qualified disability requiring special accommodations at the pre-bid conference, and/or bid/proposal opening, shall contact the person listed below at least (5) working days prior to the event. If you are hearing or speech impaired, please contact this office by using Florida Relay Services by dialing 1(800)955-8771 (TDD).

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, which may be examined and obtained from the:

ARCHITECT-ENGINEER: Hartman and Associates, Inc., 4415 Metro Parkway, Suite 320, Fort Myers, Florida 33916, Attention: Daniel M. Nelson, P.E., (239)277-5155.

Drawings and specifications may be purchased for a Non-refundable price of \$70.00 per set from the Architect/Engineer. Bidder must pay postage/shipping. Partial sets may not be purchased.

No pre-bid conference will be held for this project. Contractors are responsible for familiarizing themselves with the site and the extent of the work required. Bidders are encouraged to visit the site, located at Sumter Correctional Institution, 9544 County Road 476B, Bushnell, Florida. To schedule a site visit please contact Gary Woodard, Maintenance and Construction Superintendent, (352)793-2525.

CONTRACT AWARD: Bid Tabulation and Notice of Award Recommendation will be sent to all bidders by Facsimile, Return Receipt Required. If no protest is filed per Article B-20 of the Instructions to Bidders, "Bid Protests, Points of Entry", the contract will be awarded by the Secretary, Department of Corrections.

RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

REQUEST FOR PROPOSALS (FDDC #2006-EM-4300)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to provide individuals with developmental disabilities the tools necessary to live, work and play in their communities. The primary objective of this contract is to plan, coordinate and execute a Florida County Government Employment Initiative for individuals with developmental disabilities.

The provider will be responsible for designing and executing a three-phase project over the course of a year that uses research and best-practices to employ at least 20 individuals with developmental disabilities in county employment in the State of Florida.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. The approximate amount of funds available for the project awarded based on this RFP will be \$100,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free (800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting letters of intent and written questions is by 4:00 p.m. EDT, May 16, 2006. The deadline for submitting proposals is 2:00 p.m. EDT, on June 20, 2006. Emails will not be accepted.

In order for your proposal to be considered, a letter of intent must be received by the above referenced deadline. Letters of intent will only be accepted by fax, mail, or hand delivery. Letters of intent by email will not be accepted. All answers to written questions will be posted on the FDDC website on or before the week of May 20, 2006. The deadline for submitting proposals for this ITN is June 20, 2006 by 2:00 p.m. EDT.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY AND THE FDDC WEB PAGE (WWW.FDDC.ORG) ON APRIL 21, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE RFP TO MISTY GRIMM.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS; WE CANNOT ANSWER QUESTIONS VERBALLY.

REQUEST FOR PROPOSALS (FDDC #2006-EM-4400)

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to provide individuals with developmental disabilities the tools necessary to live, work and play in their communities. The primary objective of this contract is to plan, develop, and distribute a Community and Employment Awareness Video and Public Service Announcement detailing the benefits of hiring individuals with developmental disabilities.

The provider will be responsible for developing and distributing a four- to six-minute video and a 30-second public service announcement statewide which focuses on employment for individuals with developmental disabilities in community-based competitive settings.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. The approximate amount of funds available for the project awarded based on this RFP will be \$45,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website (www.fddc.org) or copies may be requested by writing: FDDC, 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free (800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting letters of intent and written questions is by 4:00 p.m. EDT, May 16, 2006. The deadline for submitting proposals is 2:00 p.m. EDT, on June 20, 2006. Emails will not be accepted.

In order for your proposal to be considered, a letter of intent must be received by the above referenced deadline. Letters of intent will only be accepted by fax, mail, or hand delivery. Letters of intent by email will not be accepted. All answers to written questions will be posted on the FDDC website on or before the week of May 22, 2006. The deadline for submitting proposals for this ITN is June 20, 2006 by 2:00 p.m. EDT.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY AND THE FDDC WEB PAGE (WWW.FDDC.ORG) ON APRIL 21, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE RFP TO MISTY GRIMM.

QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS; WE CANNOT ANSWER QUESTIONS VERBALLY.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

The Division of Historical Resources announces that it is soliciting applications for Special Category grants-in-aid assistance for historic preservation projects.

The deadline for filing applications is June 20, 2006 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day, or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Applications will be reviewed in a public meeting of the Florida Historical Commission September 19-21, 2006, from 9:00 a.m. to 5:00 p.m. in the R. A. Gray Building, Heritage Hall (Auditorium), 500 South Bronough Street, Tallahassee, Florida.

Further information may be accessed online at <http://www.flheritage.com/grants/special/> by writing to the Preservation Services/Grants Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, 4th Floor, Tallahassee, Florida 32399-0250 or by calling (800)847-727.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Order No.: DCA06-OR-099

In re: A LAND DEVELOPMENT REGULATION
ADOPTED, BY ISLAMORADA, VILLAGE OF
ISLANDS
ORDINANCE NO. 06-02

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.

2. On March 1, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-02 which was adopted by the Village Council on February 23, 2006 ("Ord. 06-02"). The purpose of Ord. 06-02 is to amend Section 30-1542, "Shoreline Setback," of Division 2 "Docks and Shoreline Uses" of Article VII "Environmental Regulations" of Chapter 30 "Land Development Regulations" of the Village Code.

3. The final date for approval for this Ordinance is April 28, 2006.

4. The Ordinance incorporates additional text differentiating legally altered shorelines from legally altered open water shorelines, increases setback for principle development along legally altered open water shorelines, and describes new categories in the legally altered open water shoreline criteria.

5. Ord. 06-02 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 06-02 are land development regulations.

9. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2005). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 06-02 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
- (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
- (e) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.

11. Ord. 06-02 is not inconsistent with the remaining Principles. Ord. 06-02 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-02 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND

YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

TRACY D. SUBER
STATE PLANNING ADMINISTRATOR
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 6TH day of April, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Robert Johnson, Mayor
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Beverly Raddatz, Village Clerk
Islamorada, Village of Islands
Post Office Box 568
Islamorada, FL 33036

Nina Boniske, Esq.
Nancy Stroud, Esq.
Weiss Serota Helfman Pastoriza
Guedes Cole & Boniske, P.A.
3107 Stirling Drive, Suite 300
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA06-OR-100

In re: MONROE COUNTY LAND
DEVELOPMENT REGULATIONS
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 035-2005

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 7, 2006, the Department received for review Monroe County Ordinance No. 035-2005 which was adopted by the Monroe County Board of County Commissioners on December 21, 2005 ("Ord. 035-2005").
3. The final order for this Ordinance must be signed by April 7, 2006.
4. The Ordinance corrects previous drafting errors, clarifies parking requirements, covers issues previously not addressed, revises parking provisions to provide for increased flexibility in administration in order to recognize unique situations where parking provisions may not be appropriate, and makes the Ordinance consistent with Section 9.5-111 of the Monroe County Code.

5. Ordinance 035-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 035-2005 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 035-2005 promotes and furthers the following Principles:

- (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
- (f) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
- (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

11. Ord. 035-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 035-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

TRACY D. SUBER
 State Planning Administrator
 Division of Community Planning
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 6th day of April, 2006.

Miriam Snipes, Deputy Agency Clerk

By U.S. Mail:
Honorable Charles McCoy
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Aref Joulani
Acting Director
Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-101

In re: MONROE COUNTY LAND
DEVELOPMENT REGULATIONS
ADOPTED BY MONROE COUNTY
ORDINANCE NO. 034-2005

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On February 7, 2006, the Department received for review Monroe County Ordinance No. 034-2005 ("Ord. 034-2005").
3. The final order for this Ordinance must be signed by April 7, 2006.
4. The Ordinance amends the Land Development Regulations (LDRs) to implement Policies 101.4, 101.4.2, 101.4.3, and 101.4.4 of the Monroe County 2010 Comprehensive Plan to recognize nonresidential uses lawfully established under the pre-1996 LDRs and pre-2010 Comprehensive Plan that were rendered nonconforming by the 2010 Comprehensive Plan and allow them to redevelop, reestablish, and make substantial improvements.
5. Ordinance 034-2005 is consistent with the 2010 Monroe County Comprehensive Plan.

CONCLUSIONS OF LAW

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).

7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

8. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 034-2005 are land development regulations.

9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

10. Ord. 034-2005 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.

(l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida resource.

11. Ord. 034-2005 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 034-2005 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

TRACY D. SUBER
State Planning Administrator
Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE

REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 6th day of April, 2006.

Miriam Snipes, Deputy Agency Clerk

By U.S. Mail:
Honorable Charles McCoy
Mayor of Monroe County
500 Whitehead Street, Suite 102
Key West, Florida 33040

Danny L. Kolhage
Clerk to the Board of County Commissioners
500 Whitehead Street
Key West, Florida 33040

Aref Joulani
Acting Director
Planning and Environmental Resources
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Discount Scooter, Inc., as a dealership for the sale of Daelim motorcycles at 5908 North Armenia Avenue, Tampa (Hillsborough County), Florida 33604, on or after March 16, 2006. The name and address of the dealer operator(s) and principal investor(s) of Discount Scooter, Inc., are dealer operator(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33604; principal investor(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research. Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application. Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186. If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of DK Cycle, Inc., as a dealership for the sale of Daelim motorcycles at 1341 Washington Avenue, Miami Beach (Dade County), Florida 33139, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of DK Cycle, Inc., are dealer operator(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139; principal investor(s): Kiko Sitbon, 1341 Washington Avenue, Miami Beach, Florida 33139.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Randy's Cycle Sales as a dealership for the sale of Daelim motorcycles at 423 Suwannee Avenue, Sarasota, (Sarasota County), Florida 34243, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Randy's Cycle Sales are dealer operator(s): Randy R. Pavlik, 423 Suwannee Avenue, Sarasota, Florida 34243; principal investor(s): Randy R. Pavlik, 423 Suwannee Avenue, Sarasota, Florida 34243.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of AA Moped Motorsports as a dealership for the sale of Daelim motorcycles at 8427 Bird Road, Miami, (Dade County), Florida 33155, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of AA Moped Motorsports are dealer operator(s): Sheldon Cook, 8427 Bird Road, Miami, Florida 33155; principal investor(s): Sheldon Cook, 8427 Bird Road, Miami, Florida 33155.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Ridley Motorcycles, Inc., intends to allow the establishment of Extreme Toyz, Inc., as a dealership for the sale of Ridley motorcycles at 2101 North Dale Mabry Highway, Tampa, (Hillsborough County), Florida 33607, on or after March 24, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Extreme Toyz, Inc., are dealer operator(s): Don Miley, 513 North Franklin Street, Tampa, Florida 33602; principal investor(s): Nazarith Dewoodi, 513 North Franklin Street, Tampa, Florida 33602, and Don Miley, 513 North Franklin Street, Tampa, Florida 33602.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Frank Keeler, Dealer Development, Ridley Motorcycle Company, 35 Northwest 42nd Street, Oklahoma City, Oklahoma 73118.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc., intends to allow the establishment of Vespa Jacksonville as a dealership for the sale of Piaggio and Vespa motorcycles at 1128 North Third Street, Jacksonville Beach (Duval County), Florida 32250, on or after April 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Vespa Jacksonville are dealer operator(s): Tom Bolc, 1128 North Third Street, Jacksonville Beach, Florida 32250; principal investor(s): Tom Bolc, 1128 North Third Street, Jacksonville Beach, Florida 32250.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Lewis, Director of Operations, Piaggio USA, Inc., 140 East 45th Street, 17th Floor, New York, NY 10014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Piaggio USA, Inc., intends to allow the establishment of Vespa of Central Florida, d/b/a Vespa Orlando, as a dealership for the

sale of Piaggio and Vespa motorcycles at 930 Orange Avenue, Winter Park, (Orange County), Florida 32789, on or after April 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Vespa of Central Florida, d/b/a Vespa Orlando are dealer operator(s): Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789; principal investor(s): Ed Englander, 930 Orange Avenue, Winter Park, Florida 32789, and Bruce Albertson, 930 Orange Avenue, Winter Park, Florida 32789.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jane Lewis, Director of Operations, Piaggio USA, Inc., 140 East 45th Street, 17th Floor, New York, NY 10014.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Ramero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Jet Wheels as a dealership for the sale of Daelim motorcycles at 13415 Panama City Beach Parkway, Panama City Beach (Bay County), Florida 32407, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Jet Wheels are dealer operator: Steve White, 13415 Panama City Beach Parkway, Panama City Beach, Florida 32407; principal investor(s): Steve White, 13415 Panama City Beach Parkway, Panama City Beach, Florida 32407.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, intends to allow the establishment of Exotic Bikes and Toyz as a dealership for the sale of Daelim motorcycles at 13041 Southwest 88th Street, Miami (Dade County), Florida 33186, on or after March 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Exotic Bikes and Toyz are dealer operator(s): Sam Yehia, 13041 Southwest 88th Street, Miami, Florida 33186; principal investor(s): Sam Yehia, 13041 Southwest 88th Street, Miami, Florida 33186.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Raul Romero, Jr., Sales Manager, Auto Easy Finance, Inc., d/b/a Daelim Motor USA, 12901 Southwest 122nd Avenue, Suite 105, Miami, Florida 33186.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

Hazardous Materials Information Available to the Public
The District One, Local Emergency Planning Committee (LEPC) maintains public records showing the types and amounts of certain hazardous materials that are stored at facilities throughout Northwest Florida. These records are maintained in compliance with the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA), also known as SARA Title III. The public records consist of forms naming the given hazardous materials present at a site, the hazards the substances pose if released, amounts stored, and methods of storage.

The Committee serves Escambia, Santa Rosa, Okaloosa, Walton, Holmes, Washington, and Bay counties. For more information, contact the LEPC staff at the West Florida Regional Planning Council, (850)595-8910, (800)226-8914 (outside Pensacola), or visit the office at 3435 North 12th Avenue, Pensacola.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

On April 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cheryl Elizabeth Armstrong, R.N., license number RN 1262592. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Robert John Claffy, R.N. license number RN 2829462e. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Huann Petty, R.N. license number RN 9168397. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Stephen G.

Sadowski, R.Ph. license number PS 27196. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On April 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Aaron S. Hitt, R.Ph. license number PS 33105. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

OFFICE OF FINANCIAL REGULATION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 12, 2006:

APPLICATION TO MERGE

Constituent Institutions: Seaboard Credit Union, Jacksonville, Florida, and W & A Federal Credit Union, Atlanta, Georgia

Resulting Institution: Seaboard Credit Union

Received: April 5, 2006

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN April 3, 2006
 and April 7, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
62-730.170	4/5/06	4/6/06	32/6	
62-730.180	4/5/06	4/6/06	32/6	
62-730.181	4/5/06	4/6/06	32/6	
62-730.183	4/5/06	4/6/06	32/6	
62-730.185	4/5/06	4/6/06	32/6	
62-730.200	4/5/06	4/6/06	32/6	
62-730.220	4/5/06	4/6/06	32/6	

DEPARTMENT OF EDUCATION
State Board of Education

6A-6.014	4/6/06	4/26/06	32/5	
6A-10.040	4/6/06	4/26/06	32/5	

DEPARTMENT OF TRANSPORTATION
Florida Seaport Transportation & Economic Development

14B-2.001	4/3/06	4/23/06	32/8	
14B-2.002	4/3/06	4/23/06	32/8	
14B-2.003	4/3/06	4/23/06	32/8	
14B-2.004	4/3/06	4/23/06	32/8	
14B-2.005	4/3/06	4/23/06	32/8	
14B-2.006	4/3/06	4/23/06	32/8	
14B-2.007	4/3/06	4/23/06	32/8	

AGENCY FOR HEALTH CARE ADMINISTRATION
Office of Licensure and Certification

59A-3.281	4/7/06	4/27/06	32/3	32/8
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Medicaid Program Office

59G-9.070	4/6/06	4/26/06	32/6	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

61G1-16.005	4/3/06	4/23/06	32/3	
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DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-730.020	4/5/06	4/6/06	32/6	
62-730.021	4/5/06	4/6/06	32/6	
62-730.030	4/5/06	4/6/06	32/6	
62-730.160	4/5/06	4/6/06	32/6	

DEPARTMENT OF HEALTH
Board of Medicine

64B8-3.004	4/5/06	4/25/06	32/9	
64B8-9.007	4/5/06	4/25/06	32/9	
64B8-13.005	4/5/06	4/25/06	32/9	
64B8-54.002	4/5/06	4/25/06	32/8	
64B8-54.004	4/5/06	4/25/06	32/8	

Board of Orthotists and Prosthetists

64B14-7.004	4/5/06	4/25/06	32/9	
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Division of Environmental Health

64E-2.018	4/5/06	4/25/06	31/52	32/9
64E-2.040	4/5/06	4/25/06	31/52	32/9

NAVIGATION DISTRICTS
Florida Inland Navigation Districts

66B-1.003	4/4/06	4/24/06	31/50	
66B-1.005	4/4/06	4/24/06	31/50	
66B-1.006	4/4/06	4/24/06	31/50	
66B-1.014	4/4/06	4/24/06	31/50	
66B-1.015	4/4/06	4/24/06	31/50	
66B-2.003	4/4/06	4/24/06	31/50	
66B-2.005	4/4/06	4/24/06	31/50	
66B-2.006	4/4/06	4/24/06	31/50	
66B-2.0061	4/4/06	4/24/06	31/50	
66B-2.014	4/4/06	4/24/06	31/50	
66B-2.015	4/4/06	4/24/06	31/50	