

## Section I Notices of Development of Proposed Rules and Negotiated 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."

### FLORIDA LAND AND WATER ADJUDICATORY COMMISSION

#### Tomoka Community Development District

RULE NO.:                      RULE TITLE:  
42LL-1.002                      Boundary

**PURPOSE AND EFFECT:** The Petition, as amended during the public hearing held on February 22, 2006, before Judge J. Lawrence Johnston, was filed by the Tomoka Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as amended, proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 1,122 acres. (The District was originally established by Chapter 42LL-1, F.A.C., effective October 10, 2003. Petitioner discovered flaws in the legal description of the external boundaries of the District contained in Rule 42LL-1.002, F.A.C., resulting in the exclusion of significant portions of the lands thought to be included in the original Petition establishing the District. The subject boundary amendment will correct the flaws.) The District currently covers approximately 846 acres of land located in Flagler County in an area west of Interstate 95, northeast of U.S. Highway 1, south of Old Dixie Highway, and bounded on the east by the Florida Power and Light utility easement. After amendment, the District will encompass approximately 1,968 acres. The District currently contains two out-parcels located within the external boundaries of the District which remain excluded. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the lands comprising the expansion parcel. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as amended, for expansion by the District Board of Supervisors constitutes consent of the landowners. Development contemplated for the Tomoka CDD, after expansion, consists of 1,586 single family homes, 330 multi-family homes, 18 holes of championship golf, and recreation areas. Services and facilities to be provided by the District for lands within the expansion parcel are included in the District's adopted Improvement Plan and consist of stormwater infrastructure, entrances and landscaping, wetland compliance/mitigation, offsite

improvements, and engineering and permitting. The District has already funded, acquired, and/or constructed infrastructure improvements to the expansion parcel. Construction of the improvements is expected to be complete in 2006.

**SUBJECT AREA TO BE ADDRESSED:** Expansion of the boundary of the Tomoka Community Development District.

**SPECIFIC AUTHORITY:** 190.005, 190.046 FS.

**LAW IMPLEMENTED:** 190.004, 190.005, 190.046 FS.

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

**DATE AND TIME:** Wednesday, July 19, 2006, 2:00 p.m.

**PLACE:** Room 1802M, The Capitol, Tallahassee, Florida

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 or Wesley Haber, 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 MANAGEMENT SERVICES

#### Personnel Management System

RULE CHAPTER NO.:      RULE CHAPTER TITLE:  
60L-39                      Florida State Employees Charitable Campaign

RULE NOS.:                      RULE TITLES:  
60L-39.001                      Scope and Purpose  
60L-39.002                      General Requirements  
60L-39.003                      Statewide Steering Committee Eligibility Criteria for Participation by Charitable Organizations  
60L-39.004                      Application Procedures  
60L-39.005                      Duties and Responsibilities of the Fiscal Agent  
60L-39.006                      Appeals  
60L-39.007

**PURPOSE AND EFFECT:** To consider amendments to the Rules listed above, in light of appeals from the current campaign cycle and in light of recent legislative changes to Section 110.181, F.S.

**SUBJECT AREA TO BE ADDRESSED:** Scope and Purpose of Chapter 60L-39, F.S., General Requirements, Statewide Steering Committee, Eligibility Criteria for Participation by

Charitable Organizations, Application Procedures, Duties and Responsibilities of Fiscal Agent, Appeals and Undesignated Funds.

SPECIFIC AUTHORITY: 110.181(3)(a) FS.

LAW IMPLEMENTED: 110.181 FS.

A MEETING OF THE FLORIDA STATE EMPLOYEES' CHARITABLE CAMPAIGN STATEWIDE STEERING COMMITTEE AND RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: July 19, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: 4050 Esplanade Way, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Kuczanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950; (850)921-4681

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NOS.:	RULE TITLES:
61D-14.001	General Definitions
61D-14.004	Denial Criteria for Applications and Renewals
61D-14.005	Occupational License Requirements for Individual Persons

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

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in this rule are: A correction to the definition of "ticket" contained in Rule 61D-14.001, F.A.C.; clarification of the definition of convictions referenced in Section 550.1815, Florida Statutes, referenced in Rule 61D-14.004, F.A.C., and to correct a cross-reference to a rule contained in Rule 61D-14.005, F.A.C.

SPECIFIC AUTHORITY: 551.103(1), 551.122 FS.

LAW IMPLEMENTED: 551.103(1)(a),(1)(b), (d), (e), (g), (i), 551.104(4), 551.107(4)(a), 551.117, 551.118(1) 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: July 17, 2006, 9:00 a.m. – 10:30 a.m.

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

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

**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**

**Council of Licensed Midwifery**

RULE NO.:	RULE TITLE:
64B24-5.004	Retired Status License

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Retired Status License.

SPECIFIC AUTHORITY: 456.036(15), 467.005 FS.

LAW IMPLEMENTED: 456.036(2), (4), (8), (12) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH****Council of Licensed Midwifery**

RULE NO.: 64B24-8.002                      RULE TITLE: Disciplinary Action and Guidelines

PURPOSE AND EFFECT: To update the rule.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Action and Guidelines.

SPECIFIC AUTHORITY: 456.004(5) FS.

LAW IMPLEMENTED: 467.201, 467.203 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Council of Licensed Midwifery, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

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

**DEPARTMENT OF HEALTH****Division of Emergency Medical Operations**

RULE CHAPTER NO.: 64E-2                                      RULE CHAPTER TITLE: Emergency Medical Services

RULE NO.: 64E-2.040                              RULE TITLE: Funding for Verified Trauma Centers

PURPOSE AND EFFECT: To revise the method for determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 7141 which passed in the 2006 Legislative Session.

SUBJECT AREAS TO BE ADDRESSED: Trauma Center Funding Allocation.

SPECIFIC AUTHORITY: 395.4036 FS.

LAW IMPLEMENTED: HB 7141

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

DATE AND TIME: July 17, 2006, 10:00 a.m. EDT

PLACE: Renaissance Tampa International Plaza Hotel, 4200 Jim Walter Blvd., Tampa, FL 33607

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; email susan\_mcdevitt@doh.state.fl.us; Fax (850)488-2512

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

**DEPARTMENT OF FINANCIAL SERVICES****Division of Workers' Compensation**

RULE NO.: 69L-6.009                              RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose of this amendment is to update Form DWC-250, Notice of Election to be Exempt, and its instructions, so that applicants are provided an area where they may supply the Division with an e-mail address. The amendment also updates current addresses for field offices of the Division of Workers' Compensation's Bureau of Compliance. The effect of the amendment is to expand options for communication between the Division and applicants, and update field office addresses.

SUBJECT AREA TO BE ADDRESSED: Form DWC-250, and its instructions, and field office addresses of the Division of Workers' Compensation's Bureau of Compliance.

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

DATE AND TIME: Thursday, July 20, 2006, 11:00 a.m.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.009 Forms and Instructions.

(1) No change.

(a) DWC 250 Notice of Election to be Exempt, revised 5/06 ~~9/04~~; and instructions for same (~~Construction Industry Instructions for DWC 250, revised 9/01 and Non-Construction Industry Instructions for DWC 250, revised 2/00~~ Instructions for Completing Notice of Election to be Exempt, revised 5/06).

(b) through (d) No change.

(2) No change.

(3) The field offices of the Division of Workers' Compensation, Bureau of Compliance, are:

921 North Davis Street, Building B  
Suite 250  
Jacksonville, FL 32209  
Telephone (850)798-5806

1111 N. E. 25th Avenue, Suite 403  
Ocala, FL 34470  
Telephone (352)401-5350

2012 Capital Circle, S. E.  
Suite 102, Hartman Bldg.  
Tallahassee, FL 32399-2161  
Telephone (850)413-1609

2686 Chapman Drive  
Panama City, FL 32405-4914  
Telephone (850)747-5425

610 East Burgess Road  
Pensacola, FL 32504-6320  
Telephone (850)453-7850/7804

3111 South Dixie Highway  
Suite 123  
West Palm Beach, FL 33405  
Telephone (561)837-5412/5716

499 N.W. 70th Avenue  
Suite 116  
Plantation, FL 33317  
Telephone (954)321-3143/2906

42381 S. Cleveland Avenue  
4415 Metro Parkway  
Suite 506, Suite #300,  
Ft. Myers, FL 3390716  
Telephone (239)278-7239/938-1840

1313 Tampa Street  
Suite 503  
Tampa, FL 33602  
Telephone (813)221-6506

1718 Main Street  
Suite 201  
Sarasota, FL 34236  
Telephone (941)361-6042

400 West Robinson Street  
Room 512, North Tower  
Orlando, FL 32801  
Telephone (407)835-4406

401 N.W. 2nd Avenue  
South Tower, Suite 321  
Miami, FL 33128  
Telephone (305)536-0306

Specific Authority 440.05, ~~440.05(9)~~, 440.10, 440.185(7), 440.42(2), 440.591, ~~440.593~~ FS. Law Implemented 440.05, ~~440.103~~, 440.185(7), (9), ~~440.38(2)~~, ~~440.42(2)~~, ~~440.593~~ FS. History-New 11-20-79, Amended 4-15-81, 1-2-86, Formerly 38F-6.09, Amended 5-28-91, 2-15-94, 2-2-00, 3-5-02, Formerly 38F-6.009, 4L-6.009, Amended \_\_\_\_\_.

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Workers' Compensation**

RULE NO.: 69L-6.012                      RULE TITLE: Notice of Election to be Exempt  
PURPOSE AND EFFECT: The purpose and effect of the amendment to the rule is to delete provisions of the existing rule that resulted from Chapter 2003-412, Laws of Florida, that due to the passage of time are no longer applicable to the exemption process, and to revise guidelines that relate to the submission of a Notice of Election to be Exempt to the Department, and the issuance, denial, and revocation of a Certificate of Election to Be Exempt by the Department.  
SUBJECT AREA TO BE ADDRESSED: Notice of Election to be Exempt and Certificate of Election to Be Exempt issued by the Department.  
SPECIFIC AUTHORITY: 440.05(9), 440.591 FS.  
LAW IMPLEMENTED: 440.02(15), 440.05 FS.  
A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:  
DATE AND TIME: Thursday, July 20, 2006, 10:00 a.m.  
PLACE: Room 104J, Hartman Building, 2012 Capital Circle, S.E., Tallahassee, Florida

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

69L-6.012 Notice of Election to be Exempt.

~~(1) Certificates of Election to be Exempt issued on or before December 31, 2003, to persons engaged in the construction industry are void on and after January 1, 2004, pursuant to Chapter 2003-412, Laws of Florida. Chapter 2003-422, Laws of Florida, does not affect the provisions of Chapter 2003-412, Laws of Florida, and Chapter 440, F.S., beyond allowing persons engaged in the construction industry to qualify for the issuance of a Certificate of Election to be Exempt, Form DWC-252, if the person is a member and ten percent (10%) owner of a Limited Liability Company created and approved under Chapter 608, F.S.~~

~~(1)(a)(2) Legislative changes made through Chapters 2003-412 and 2003-422, Laws of Florida, that are effective January 1, 2004, allow only certain corporate officers engaged in the construction industry to file a Notice of Election to be Exempt and to be issued a valid Certificate of Election to be Exempt, Form DWC-252, as incorporated in paragraph (17)(a) below, by the Department pursuant to Section 440.05, F.S. Only corporate officers of non-dissolved or active corporations who meet the conditions for ~~on~~ the issuance of valid Certificates of Election to be Exempt as ~~exemptions~~ stated in Chapter 440, F.S., and implemented by this rule may file a Notice of Election to be Exempt. Only a business entity organized under Chapters 607 or 617, F.S., will qualify as a corporation for purposes of issuing a Certificate of Election to be Exempt to a corporate officer under this rule. While a limited liability company created and approved under Chapter 608, F.S., is not a corporation for purposes of Chapter 440, F.S., persons engaged in the construction industry who are limited liability company members owning at least ten percent (10%) of the non-dissolved or active limited liability company qualify as a "corporate officer" and are eligible for the issuance of a Certificate of Election to be Exempt under this rule.~~

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in

Rule 69L-6.009, F.A.C., must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

~~(3) Pursuant to Chapter 2003-412, Laws of Florida, Section 440.05, F.S., does not permit a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry to file a Notice of Election to be Exempt. Accordingly, the Department shall not issue a Certificate of Election to be Exempt to any sole proprietor or partner on or after January 1, 2004, because they are "employees" who are not eligible to be exempt under section 2 of Chapter 2003-412, Laws of Florida. Beginning January 1, 2004, the Department shall deny any Notice of Election to be Exempt (DWC-250) filed on the basis of the applicant being a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry.~~

~~(4) The Department shall inform the holder of a Certificate of Election to be Exempt that is rendered void pursuant to Chapter 2003-412, Laws of Florida, of the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(5) The Department shall issue without additional fee a new Certificate of Election to be Exempt to a sole proprietor of a sole proprietorship engaged in the construction industry, a partner in a partnership engaged in the construction industry, or a corporate officer engaged in the construction industry who:~~

~~(a) Holds a Certificate of Election to be Exempt issued between January 1, 2002 and December 31, 2003;~~

~~(b) Is eligible for the issuance of the Certificate of Election to be Exempt under Chapter 440, F.S., as amended by Chapters 2003-412 and 2003-422, Laws of Florida, and~~

~~(c) Files an Application for Re-Issuance of Notice of Election to be Exempt (DWC-250X) as a corporate officer of a corporation engaged in the construction industry in compliance with this rule.~~

~~(6) Any Certificate of Election to be Exempt re-issued pursuant to subsection (5) shall be valid only for the unexpired period of the prior Certificate of Election to be Exempt that was re-issued. The re-issued Certificate of Election to be Exempt shall expire on the date that the prior Certificate of Election to be Exempt would have expired.~~

~~(7) The Department shall inform an applicant who files a Notice of Election to be Exempt (DWC-250), which is incorporated in Rule 69L-6.009, F.A.C., on the basis that the applicant is a sole proprietor of a construction industry sole proprietorship or a partner in a construction industry partnership of the limitation of construction exemptions pursuant to Chapter 2003-412, Laws of Florida, and the availability of, conditions on, and procedures to obtain a valid corporate officer construction exemption.~~

~~(2)(8) Any corporate officer engaged in the of a construction or non-construction industry corporation, who elects to be exempt from the provisions of the workers' compensation law (Chapter 440, F.S.), shall file with the Department Division a Notice of Election to be Exempt (DWC-250). For purposes of this rule, an applicant is engaged in the "construction industry" when any portion of the applicant's business operations is described in the construction industry classification codes that are identified in Rule 69L-6.021, F.A.C.~~

~~(3)(9) For a corporate officer engaged in the construction industry, the applicant shall attach to or, where appropriate, list on every Notice of Election to be Exempt (DWC-250) the following:~~

~~(a) A copy of any occupational license required by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located;~~

~~1. If the applicant is required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation or limited liability company listed on the Notice of Election to be Exempt;~~

~~2. If the applicant is not required to obtain a license issued pursuant to Chapter 489, F.S., the business name listed on the occupational license or occupational license receipt must match the name of the corporation, limited liability company, or business listed on the Notice of Election to Be Exempt;~~

~~(b) The certified or registered license numbers A copy of any contractor licensing held by the applicant through a certification or registration issued pursuant to Chapter 489, F.S., or the certified or registered license numbers held by the qualifier for the business listed on the Notice of Election to be Exempt (DWC-250) of which the applicant is a corporate officer;~~

~~(c) The Federal Employer Identification Number issued to the corporation or limited liability company, as applicable; named by the corporate officer on the Notice of Election to be Exempt;~~

~~(d) The Social Security Number or the individual taxpayer identification number of the applicant;~~

~~(e) No change.~~

(f) For corporate officers of a corporation, a copy of the stock certificate(s) issued to the applicant by the corporation named on the Notice of Election to be Exempt evidencing at least ten percent (10%) ownership of the named corporation by the applicant on the date that the Notice of Election to be Exempt is filed with the department;

1. The percent of ownership shall be calculated by dividing the number of shares issued to the applicant the total number of shares issued by the corporation named on the stock certificate(s);

2. In addition to the ownership requirement in paragraph (3)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, the name of the person to whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors;

(g) For members of a limited liability company, documentation establishing the number of units of membership, or a notarized statement reflecting attesting that the applicant owns at least ten percent (10%) of the limited liability company named on the Notice of Election to be Exempt on the date that the Notice of Election to be Exempt is filed with the Department;

(h) The ~~primary~~ business(es) or trade(s) of the applicant;

(i) The applicant's corporate officer title or member status;

(j) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) that is under the same or substantially the same ownership or control as the corporation named on the Notice of Election to be Exempt;

(k) The name of the corporation or limited liability company as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer or member.

(4) An applicant engaged in the construction industry must submit a \$50.00 fee with each Notice of Election to be Exempt that is filed with the department. If an applicant's payment is returned to the department for non-sufficient funds, the Notice of Election to be Exempt is invalid and shall be denied. If a Certificate of Election to be Exempt was issued to the applicant and the applicant's payment was returned to the Department for non-sufficient funds, the Certificate of Election to be Exempt shall be revoked. In order for the department to process a new Notice of Election to be Exempt from an applicant who has had a payment returned for non-sufficient funds, the department must receive confirmation that the initial \$50.00 payment and any associated service charge has been deposited into the Workers' Compensation Administration Trust Fund.

~~(5)(40)~~ For Notices of Election to be Exempt by a corporate officer or an officer of a corporation, as defined in Section 440.02(9), F.S., if the applicant is in the construction industry and the Department's records show three active Certificates of Election to be Exempt issued to corporate officers of a corporation or business entity or of any group of affiliated corporations or business entities, the Department shall deny any Notice of Election to be Exempt that would result in more than three corporate officers having active Certificates of Election to be Exempt for a corporation or business entity or any group of affiliated corporations or business entities issued in the name of corporate officers of the corporation or group of affiliated corporations.

~~(6)(44)~~ For a corporate officer not engaged in the construction industry, the applicant shall attach to or, where applicable, list on every Notice of Election to be Exempt (DWC-250) the following:

(a) A copy of ~~any~~ occupational license required by the jurisdiction in which the business is located or has employees engaged in work, or a copy of the occupational license receipt that includes the occupational license number issued by the jurisdiction in the state of Florida in which the business is located or has employees engaged in work. If the applicant's business address, as listed on the Notice of Election to be Exempt, is outside the state of Florida, a copy of the occupational license issued by the jurisdiction outside the state of Florida in which the applicant's business is located is required, unless an occupational license is not required by the jurisdiction in which the applicant's business is located; The name of the corporation, limited liability company, or business listed on the Notice of Election to be Exempt must match the business name listed on the occupational license or on the occupational license receipt;

(b) The Federal Employer Identification Number issued to the corporation ~~named by the corporate officer on the Notice of Election to be Exempt;~~

(c) The Social Security Number or the individual taxpayer identification number of the applicant;

(d) through (e) No change.

(f) The corporate name, Florida Department of State, Division of Corporations, registration number, and Federal Employer Identification Number of any other corporation(s) in which the applicant has an ownership interest or serves as a corporate officer;

(g) The name of the corporation as registered with the Florida Department of State, Division of Corporations of which the applicant is a corporate officer.

~~(7)(42)~~ Incomplete Notices of Election to be Exempt Applications, Issue Dates for Certificates of Election to be Exempt Duplicate Applications.

(a) An applicant shall have thirty days from the date his/her Notice of Election to be Exempt application is mailed or otherwise returned by the Department Division to the applicant as incomplete in which to file documentation or information which completes the Notice of Election to be Exempt application, at which time the Notice of Election to be Exempt application shall be processed without any additional processing fee. The department shall deny the Notice of Election to be Exempt if the applicant fails to file with the department the documentation or information to complete the Notice of Election to be Exempt within 30 days of the date the Notice of Election to be Exempt was mailed or returned as incomplete. If the Notice of Election to be Exempt is denied, the applicant must submit a new Notice of Election to be Exempt and, if the applicant is engaged in the construction industry, another \$50.00 fee is required.

(b) If the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 90 days prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the new Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, and any duplicate Certificate of Election to be Exempt for the applicant of the same business shall be null and void as of the issue date of the new Certificate of Election to be Exempt. Except for an Application for Re-issuance of Notice of Election to be Exempt that has been re-issued under subsection (5) of this rule, an application filed by an applicant who has an exemption on file for the same business, which is current at the time a duplicate application is received by the Division, shall be treated as a new application. Any duplicate exemption on file shall be null and void as of the date a new exemption is issued by the Division.

(c) If the Department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule more than 30 days but 90 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt shall be the expiration date of the original Certificate of Election to be Exempt.

(d) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt that meets the eligibility requirements of Section 440.05, F.S., and this rule 30 days or less prior to the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier. Any duplicate Certificate of

Election to be Exempt for the applicant shall be null and void as of the issue date of the renewal Certificate of Election to be Exempt.

(e) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a renewal Notice of Election to be Exempt after the expiration date of the Certificate of Election to be Exempt, the issue date of the renewal Certificate of Election to be Exempt is the date the renewal Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the renewal Notice of Election to be Exempt is received by the department, whichever is earlier.

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the Notice of Election to be Exempt is received by the department, whichever is earlier.

(8) Any Notice of Election to be Exempt which is returned to the applicant by the department within 30 days after receipt by the Department for failure to meet the eligibility requirements of Section 440.05, F.S., and this rule is not "received" for purposes of Section 440.05(5), F.S.

(9)(13) Any corporate officer or of a construction corporation, member of a limited liability company engaged in the construction industry, or corporate officer engaged in the non-construction industry of a non-construction corporation who has been issued a Certificate of Election to be Exempt an exemption from the provisions of Florida's workers' compensation law (Chapter 440, F.S.), may revoke such certificate exemption by filing with the Department Division a Revocation of Election to be Exempt (DWC-250-R) as adopted in Rule 69L-6.009, F.A.C.

(10) A Revocation of Election to be Exempt (DWC-250-R) shall only be filed by the same person named on the Certificate of Election to be Exempt or by a corporate officer of the business named on the Certificate of Election to be Exempt and listed as a corporate officer with the Department of State, Division of Corporations.

(11) Payments made to the department under this rule shall be in a form made payable to DFS – Workers' Compensation Administration Trust Fund.

(14) Subject to the exceptions listed in Section 440.05(5), F.S., the issue date of any exemption is the date the Certificate of Election to be Exempt is approved and saved to the Coverage Compliance Automated System database of the Department.

(15) Notice of Election to be Exempt (DWC-250), or Revocation of Election to be Exempt (DWC-250-R), shall only be filed by an applicant on the applicant's own behalf.

~~(16) Any application for exemption or revocation of exemption which is returned to the applicant by the Division, within thirty days after receipt by the Division as incomplete, is not "received" for purposes of Section 440.05(5), F.S.~~

~~(17) The following forms are hereby incorporated by reference and can be obtained from the Bureau of Compliance, Division of Workers' Compensation, at www.fldfs/wc/ or from any field office identified in Rule 69L-6.009, F.A.C.:~~

~~(a) Form DWC 252, Certificate of Exemption (revised January 2004).~~

~~(b) Form DWC-250X, Application for Re-Issuance of Notice of Election to be Exempt (revised February 2004).~~

~~(c) Form DWC-253, Re-issuance of Construction Industry Certificate of Exemption (revised September 2003).~~

Specific Authority 440.05(9), 440.591 FS. Law Implemented 440.02(15), 440.05 FS. History--New 5-28-91, Amended 2-15-94, 12-28-97, 2-2-00, 9-6-01, Formerly 38F-6.012, Amended 3-26-03, Formerly 4L-6.012, Amended 4-21-04,\_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF EDUCATION

#### Florida Institute of Phosphate Research

RULE NOS.:	RULE TITLES:
6J-1.001	Purpose
6J-1.002	Offices
6J-1.003	The Board
6J-1.004	The Executive Director
6J-1.005	Meeting and Agenda
6J-1.006	Administration and Travel
6J-1.007	Grants

**PURPOSE AND EFFECT:** The purpose of revisions to Chapter Rule 6J-1 is to reduce the number of regularly scheduled meetings of the Institute's Board of Directors from 4 per year to 3 per year and to update the rules to be consistent with current Institute operations.

**SUMMARY:** The Board of Director's of the Florida Institute of Phosphate Research has decided to hold 3 regularly scheduled Board meetings each year instead of 4 in order to assure that funding of research projects is as closely aligned as possible to the Institute's budget and needs. Other changes in the rules are proposed so that the rules accurately reflect the current mode of operations of the Institute.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** A Statement of Regulatory Cost has not 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: 378.101(4)(f) FS.

LAW IMPLEMENTED: 378.101, 378.102 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: Shannon E. Medley, Coordinator Administrative Services, Florida Institute of Phosphate Research (FIPR), 1855 West Main Street, Bartow, FL 33830, phone: (863)534-7160, fax: (863)534-7165

THE FULL TEXT OF THE PROPOSED RULES IS:

#### 6J-1.001 Purpose.

The purpose of these rules is to govern the basic administration, organization and research program of the Florida Institute of Phosphate Research. As a research institute administered by the University of South Florida (USF), the policies and procedures of USF pertain to the Institute, except when they are in conflict with legislation pertaining to the Institute, the Administrative Code pertaining to the Institute, or the policies and procedures adopted by the Board of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented, 378.101(4) FS. History--New 1-31-79, Formerly 6C-20.01, 6C-20.001, Amended 7-5-88,\_\_\_\_\_.

#### 6J-1.002 Offices.

The general offices of the Florida Institute of Phosphate Research are located at 1855 West Main Street, Bartow, FL 33830, (phone (863)534-7160 ~~(813)533-0983~~).

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History--New 1-31-79, Formerly 6C-20.02, 6C-20.002, Amended 7-5-88,\_\_\_\_\_.

#### 6J-1.003 The Board.

(1) A five member Board shall be appointed by the Governor, as provided by subsection 378.101(4), Florida Statutes.

(2) The members of the Board shall not be entitled to compensation, but shall be paid travel and per diem as provided in Section 112.061, Florida Statutes, while in the performance of their duties, and in traveling to, from, or upon the same.

(3) The Board shall oversee and direct the general conduct of the Institute through action taken at Board meetings. In so doing, the Board shall be responsible for adopting and revising policies to facilitate the administration of the Institute by rule, order or other appropriate action.

(4) The Board shall elect a Chairperson and Vice Chairperson from among its membership. Election shall be by majority vote of the membership and shall take place at the first meeting after October. The Chairperson and Vice Chairperson shall take office immediately after such election



and shall serve until the next election. If for any reason the Chairperson or Vice Chairperson shall be unable to serve a complete term a new Chairperson or Vice Chairperson shall be elected at the next regularly-scheduled meeting for the remainder of the existing term.

(5) The Chairperson shall preside at all meetings of the Board. The Vice Chairperson will preside in the absence of the Chairperson.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4), 378.102 FS. History–New 1-31-79, Formerly 6C-20.03, 6C-20.003, Amended 7-5-88, Repromulgated.

#### 6J-1.004 The Executive Director.

(1) The Executive Director is appointed by the Board and serves at the pleasure of the Board.

(2) The Executive Director shall:

(a) Carry out the policies and decisions of the Board, serve as agency clerk and perform such other duties as the Board may direct.

(b) Act as custodian of records and shall be responsible for maintaining all records including the policies and decisions of the Board and making the same available upon request.

(c) Be responsible for hiring of staff, organization, maintenance of the office and administering the daily conduct of business of the Institute.

(d) Maintain all records of the Board including but not limited to those that are necessary to show the amount and purpose of each research grant, how funds were expended and the results achieved.

(e) Prepare recommended budget requests and program allocations for consideration by the Board.

(f) Present to the Board recommendations and alternatives for the conduct of the grant program.

(g) Maintain close liaison with all Institute research grantees, and be able at all times to advise the Board of the status and plans of each grant program.

(h) Maintain close liaison with the Florida phosphate industry, environmental groups, local governments, state and federal agencies and international entities, keeping apprised of mining, reclamation, beneficiation and processing technology and related problems.

(i) Monitor all Institute research programs.

(j) Present to the Board a strategic plan upon request of the Board. ~~Present to the Board an annual research plan with revisions.~~

(k) Prepare a biennial ~~an annual~~ report and evaluation of the plan and program.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History–New 1-31-79, Formerly 6C-20.04, 6C-20.004, Amended 7-5-88, \_\_\_\_\_.

#### 6J-1.005 Meeting and Agenda.

(1) The Board shall meet at such times and places as it may designate, but shall hold regular meetings at least three times per year. ~~quarterly~~. The time and place of each meeting shall be announced in the Florida Administrative Weekly.

(2) The agenda for each meeting of the Board shall be prepared by the Executive Director in consultation with the Chairperson and made available upon request to the public.

(3) A quorum shall be three members, and except as provided for in subsection 6J-1.003(4), F.A.C., all decisions shall be by majority vote of the members present.

(4) The Executive Director shall prepare official minutes of each meeting, recording all business transacted. Copies of such minutes shall be made available upon request. A permanent file of minutes of all meeting shall be maintained in the administrative offices of the Institute.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(4) FS. History–New 1-31-79, Formerly 6C-20.05, 6C-20.005, Amended 7-5-88, \_\_\_\_\_.

#### 6J-1.006 Administration and Travel.

(1) The funds for support of the Institute's program including funds for its administration shall be from the Phosphate Research Trust Fund or as otherwise identified within the annual appropriation of the State of Florida, Department of Education, from other national or international entities, or from funds within not-for-profit foundations within the State of Florida, Department of Education.

(2) Members of the Board, the Executive Director, and other persons as authorized by the Board by rule, order or contract shall be reimbursed for travel expenses as provided by law for State employees pursuant to Section 112.061, Florida Statutes, and such other expenses as required in performance of their duties.

Specific Authority 112.061, 378.101(4)(f) FS. Law Implemented 112.061(9)(b), 378.101(4) FS. History–New 1-31-79, Formerly 6C-20.06, 6C-20.006, Amended 7-5-88, \_\_\_\_\_.

#### 6J-1.007 Grants.

In accordance with subsection 378.101(1), F.S., the Board of Directors will award grants based on their determination of the most effective utilization of available funds in the following areas: environment, public health, reclamation, clay disposal, mining and beneficiation, ~~and~~ chemical processing, and education.

Specific Authority 378.101(4)(f) FS. Law Implemented 378.101(1) FS. History–New 1-31-79, Formerly 6C-20.07, 6C-20.007, Amended 7-5-88, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Paul R. Clifford, FIPR's Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dr. Brij Moudgil, Chairman, FIPR's Board of Directors

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: January 20, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 2, 2006

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NOS.: 19-8.010 19-8.013	RULE TITLES: Reimbursement Contract Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.
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**PURPOSE AND EFFECT:** The State Board of Administration, Florida Hurricane Catastrophe Fund, is proposing to amend the following rules in order to implement changes made by CS/CS/SB 1980 during the 2006 legislative session.

**SUMMARY:** Rule 19-8.010, F.A.C.: Proposed amended Rule 19-8.010, F.A.C., adopts the Reimbursement Contract for the Contract Year 2006-2007 in subsection (12). This paragraph has been amended to reflect that the Reimbursement Contract now includes three addenda. The changes made to the contract are summarized as follows:

Addendum No. 1: The definition of "losses" in Article VI(4) is amended to clarify that losses covered by the FHCF do not include "rent or rental income." The language in Article X, which quoted language in Section 215.555(4)(d)2., F.S., which was stricken in CS/CS/SB 1980 was removed and the references to the rapid cash build-up in Articles V (16) and Article X were amended to reflect the amendments to Section 215.555(5)(b), F.S., which requires the inclusion of a 25% rapid cash build-up factor in the reimbursement premium formula.

Addendum No. 2: This Addendum, which addresses a new option created in CS/CS/SB 1980 which allows limited apportionment companies to obtain up to \$10 million dollars in additional FHCF coverage, must be completed by all limited apportionment companies and allows them to select from \$0 up to \$10 million in additional coverage. The Addendum also provides information on the cost and payment timeline for such additional coverage and clarifies that other provisions of the Reimbursement Contract, to which the Addendum is attached are applicable to the Addendum.

Addendum No. 3: This Addendum addresses the changes to Section 215.555(5), F.S., which created a procedure by which Citizens Property Insurance Corporation ("Citizens") could obtain FHCF coverage for policies when Citizens takes over policies from a liquidated insurer. The law allows Citizens to

choose whether to include such policies under its Reimbursement Contract with the FHCF or to accept an assignment of the liquidated insurer's Reimbursement Contract with the FHCF. Addendum No. 3 provides the information on these new options, provides the form on which to make the option and provides the requirements, procedures and timeframes for selecting the option with respect to each transfer of policies from a liquidated insurer to Citizens.

**SUMMARY:** Rule 19-8.013, F.A.C.: The proposed amendments to Rule 19-8.013, F.A.C., add clarifications regarding the use of reimbursement premiums and rapid cash build-up from Contract Year 2006-2007 to pay losses, add clarifications to the grounds for adjusting the emergency assessment percentage, and add clarifications to address the emergency assessment payment calculations.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** With respect to the rules proposed for amendment, the Board has prepared a statement and found the cost to be minimal.

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:** 215.555(3) FS.

**LAW IMPLEMENTED:** 215.555(2), (3), (4), (5), (6), (7), (10) 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:** Jack E. Nicholson, Senior FHCF Officer, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

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

19-8.010 Reimbursement Contract.

(1) through (11) No change.

(12) The reimbursement contract for the 2006-2007 contract year, as amended by Addendums 1., 2., and 3., required by Section 215.555(4), F.S., which is called Form FHCF-2006K – "Reimbursement Contract" or "Contract" between (name of insurer) (the "Company")/NAIC #( ) and The State Board of Administration of the State of Florida ("SBA") which Administers the Florida Hurricane Catastrophe Fund ("FHCF"), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2006 through May 31, 2007.

(13) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06,\_\_\_\_\_.

19-8.013 Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) through (4)(c)1. No change.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. Amounts collected in Contract Year 2006-2007 as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., Florida Statutes may be used to pay for losses attributable to prior Contract Years. Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) through (e)2. No change.

3. The emergency assessment is subject to interest on delinquent remittances at the average rate earned by the SBA for the FHCF for the first five months of the Contract Year for which such information is available plus 5%. The emergency assessment is also subject to annual adjustments by the Board to reflect changes in premiums subject to assessments in order to meet debt obligations.

(5)(a) No change.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the preceding calendar quarter calendar year to which the assessment applies from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency

Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct written premium from all Assessable Lines. Surplus lines agents shall collect the Emergency Assessment at the same time as the surplus lines agent collects the surplus lines tax required by Section 626.932, F.S., and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The Emergency Assessment on each insured procuring coverage and filing under Section 626.938, F.S., shall be an amount equal to the required percentage of its direct written premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the Emergency Assessments received as directed by the Office of Insurance Regulation.

(d) No change.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-1-03, 5-19-04, 5-29-05, 5-10-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jack E. Nicholson, Senior FHCF Officer, State Board of Administration

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006, Vol. 32, No. 23

**STATE BOARD OF ADMINISTRATION**

RULE NO.:	RULE TITLE:
19-15.001	Insurance Capital Build-Up Incentive Program

PURPOSE AND EFFECT: This rule is promulgated to implement Section 215.5595, Florida Statutes.

SUMMARY: Proposed Rule 19-15.001, F.A.C., addresses all aspects of the implementation of the Insurance Capital Build-Up Incentive Program including the minimum requirements, the application, the surplus note, the quarterly reporting if the applicant is selected for the Program and the selection criteria.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The regulatory costs are as outlined in the application and in section 5. of CS/CS/SB 1980.

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: 215.5595(6) FS.

LAW IMPLEMENTED: 215.5595(2), (3), (4), (5), (6), (7) FS.

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

DATE AND TIME: Monday, July 24, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

TELEPHONE: The conference call number for the meeting, for those persons who cannot be physically present, is (850)487-8540 or Suncom 277-8540.

Any person requiring special accommodations to participate in this proceeding is asked to advise Patti Elsbernd at least five (5) calendar days before such proceeding. Patti Elsbernd may be reached by telephone at (850)413-1346 or by mail at P. O. Box 13300, Tallahassee, FL 32317-3300.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-15.001 Insurance Capital Build-Up Incentive Program.

(1) Purpose. Section 215.5595, F.S., creates the Insurance Capital Build-Up Incentive Program (“Program”) for the purposes of increasing the availability of residential property insurance covering the risk of hurricanes in Florida and mitigating premium increases. The State Board of Administration of Florida (“Board”) is directed to administer the Program. This Rule is promulgated to implement the Program.

(2) Scope.

(a) The Legislature has appropriated a total of \$250 million for the purposes of this Program.

(b) The Board in an effort to implement this Program in a timely fashion consistent with the start of the June 1, 2006, hurricane season and consistent with the flexibility provided for in Section 215.5595(2)(h), F.S., has established an earlier implementation date of June 1, 2006, and pursuant to this Rule has allocated the total \$250 million, less moneys needed for administrative expenses, to be made available to Insurers applying within the time frame of June 1, 2006 until June 15, 2006. Any remaining funds which are not committed shall be available to those Insurers applying during the second time frame, June 16, 2006 until July 1, 2006. If there are funds remaining following the two initial time frames, such funds will be available for those Insurers which apply within the time

frame of July 2, 2006 until June 1, 2007. The unexpended balance of the appropriation shall revert to general revenue, but not until June 30, 2007.

(c) The proceeds derived from the Surplus Note issued by the Insurer, pursuant to Section 215.5595(4), F.S., is intended to be an asset for statutory accounting purposes and not a liability on the Insurer’s balance sheet.

(d) The Board’s actions and determinations in administering this Program are exempt from Chapter 120, F.S., pursuant to Section 215.5595(6), F.S.

(e) An Insurer may qualify and be eligible for consideration under this Program provided that the Insurer contributes New Capital and commits to meeting the Minimum Writing Ratio for the term of the Surplus Note. Additionally, the Insurer’s Surplus, New Capital contribution, and Surplus Note must total at least \$50 million, and the Insurer must submit the application as adopted under this Rule within the time frames referenced in Section 215.5595(2)(b), F.S.

(f) The Board may Approve an application by an eligible and qualifying Insurer for a Surplus Note, unless the Board determines that the financial condition of the Insurer and its business plan for writing residential property insurance in Florida places an unreasonably high level of financial risk to the state of nonpayment in full of the interest and principal. The Board shall consult with the Office and may contract with independent financial and insurance consultants in making this determination.

(g) If the amount of Surplus Notes requested by Insurers exceeds the amount of funds available, the Board may prioritize Insurers that are eligible and Approved, regardless of the date of application within the application time frames. Consideration shall be given to the financial strength of the Insurer, the viability of the Insurer’s proposed business plan for writing additional residential property insurance, and the effect on competition.

(3) Definitions.

(a) “Applicant” means the Insurer making application under the Program.

(b) “Approve,” “Approving,” “Approved,” or “Approval” means the Insurer’s application has been approved contingent upon a review and prioritization of all the applicants who may have applied for the limited funds available under the Program during the application periods specified in paragraph (4)(e), (f), or (g) below. If the amount of the Surplus Notes requested does not exceed the funds available during these application periods, it will not be necessary for the Board to prioritize applicants prior to distributing funds, but in all cases the Insurer shall be required to contribute New Capital and provide verification of a deposit prior to the Board distributing the proceeds derived from the Surplus Note.

(c) “Board” means the State Board of Administration of Florida.

(d) "Cash" or "Cash Equivalents" means unencumbered cash or unencumbered cash equivalents as specified in Section 625.012(1), F.S. Cash Equivalents are short-term, highly liquid investments, with original maturities of 3 months or less, which are both readily convertible to known amounts of cash and so near their maturity that they present insignificant risk of changes in value because of changes in interest rates.

(e) "Impair" or "Impaired" means the Insurer's Surplus is below the Minimum Required Surplus as specified in Section 215.5595(2)(c), F.S.

(f) "Insurer" means an authorized insurance company seeking to participate in the Program.

(g) "Minimum Capital Contribution" means, with respect to Insurers who apply to the Board by July 1, 2006, a contribution of New Capital to its Surplus which is at least equal to the amount of the Surplus Note. "Minimum Capital Contribution" means, with respect to all other applicants applying after July 1, 2006 and before June 1, 2007, a contribution to its Surplus that is twice the amount of the Surplus Note.

(h) "Minimum Required Surplus" means, for purposes of this Program, that the Insurer's total Surplus, after the issuance of the Surplus Note and New Capital contribution equals at least \$50 million.

(i) "Minimum Writing Ratio" means a 2:1 ratio of Net Written Premium to Surplus.

(j) "Net Written Premium" means direct Premium plus assumed Premium less ceded Premium.

(k) "New Capital" must be in the form of Cash or Cash Equivalents and be recorded as additional paid-in capital or new stock issued. New Capital does not include Citizens Property Insurance Corporation take-out bonuses pursuant to Section 627.3511, F.S. A New Capital contribution does not constitute contributions by the Insurer made prior to the Insurer's application date for the Surplus Note or any other funds contributed to the Insurer's Surplus which are made for purposes other than in conjunction with the requirements of the Program.

(l) "Surplus Note" means the Surplus Note issued by the Insurer to the Board.

(m) "Office" means the Office of Insurance Regulation, which was created in Section 20.121(3), F.S.

(n) "Premium" means premiums relating to residential property insurance in Florida including the peril of wind.

(o) "Program" means the Insurance Capital Build-Up Incentive Program created by Section 215.5595, F.S.

(p) "Substantial Impairment" or "Substantially Impair" means that the Commissioner of Insurance Regulation (Commissioner) has solvency concerns that the Insurer may not be able to meet the obligations of its policyholders and has provided the Board with a written explanation.

(q) "Surplus" means the Insurer's admitted assets less the Insurer's liabilities and refers to the entire Surplus of the Insurer.

(4) Administration.

(a) The Legislature has appropriated \$250 million for the Program with a limitation of one percent of this amount used for administrative cost and fees.

(b) For purposes of applications and other documentation provided to the Board the date of receipt shall be the date that the item has actually been delivered to the Board by 5 p.m. E.T. Any items received after 5 p.m. E.T. will be deemed to have been received on the next business day that is not a Saturday, Sunday, or legal holiday. Neither the United States Postal Service postmark nor a postage meter date is determinative.

(c) Incomplete applications will be returned to the Insurer and will not be considered by the Board.

(d) The submission of a completed application by an Insurer that has met all the conditions necessary for Approval is no guarantee that a Surplus Note will be executed and that funds will be available and distributed to an Insurer.

(e) Application time frame from June 1, 2006 to June 15, 2006: Applications received from June 1, 2006 to June 15, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(f) Application time frame from June 16, 2006 to July 1, 2006: If there are funds remaining after the review of applications received on or before June 15, 2006, then applications received from June 16, 2006 to July 1, 2006, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board before any applications received after that time.

(g) Application time frame from July 2, 2006 to June 1, 2007: If there are funds remaining after the review of applications received on or before July 1, 2006, then applications received from July 2, 2006 to June 1, 2007, if accompanied by all the information needed to review the application and if all the Surplus Note requirements have been met, will be reviewed by the Board. Additional information may be requested by the Board as provided for in subsection (7) below.

(h) The Board shall not reserve funds based on an Insurer's application date or the date which funds are requested by the Insurer. Funds will not be committed to an Insurer until the Surplus Note is executed by both the Insurer and the Board.

(5) Statutory Requirements for an Insurer's Participation in the Program. In determining whether an Insurer has met the requirements outlined below, the Board shall consult with the Office and may consult with independent financial and insurance consultants.

(a) Insurers who apply to the Board on or before July 1, 2006, must contribute an amount of New Capital to its Surplus which is at least equal to the amount of the Surplus Note requested.

(b) Insurers who apply to the Board after July 1, 2006, but before June 1, 2007, must contribute an amount of New Capital to its Surplus which is at least twice the amount of the Surplus Note requested.

(c) Insurers must submit a completed application including supplying all the required documentation to the Board. The application Form, SBA 15-1, is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board's website, [www.sbafla.com](http://www.sbafla.com), under "Insurance Capital Build-Up Incentive Program" then "Application."

(d) Prior to the time the application, Form SBA 15-1, is submitted, the Insurer must review and accept the terms of the Surplus Note, Form SBA 15-2, which is hereby adopted and incorporated by reference into this Rule. The Surplus Note is available on the Board's website, [www.sbafla.com](http://www.sbafla.com), under "Insurance Capital Build-Up Incentive Program" then "Surplus Note."

(e) The principal amount of the Surplus Note issued to any Insurer or Insurer group may not exceed \$50 million.

(f) An Insurer's Surplus, New Capital, and the Surplus Note must total at least \$50 million as a result of participating in the Program.

(g) Prior to the execution of the Surplus Note, the Insurer must arrange for the Board to receive a letter from a depository institution which states the amount of unencumbered Cash or Cash Equivalents that have been deposited into the Insurer's account.

(h) Prior to the execution of the Surplus Note, the Insurer must provide the Board with a letter from the Insurer's top executive officer attesting that the New Capital contribution, for purposes of the Insurer, is not subject to any liens or other encumbrances.

(i) The Insurer must commit to meeting the Minimum Writing Ratio of Net Written Premium for the term of the Surplus Note and must submit quarterly filings to the Office and the Board. The quarterly filings shall be on Form SBA 15-3, which is hereby adopted and incorporated by reference into this Rule. This Form is available on the Board's website, [www.sbafla.com](http://www.sbafla.com), under "Insurance Capital Build-Up Incentive Program" then "Quarterly Net Written Premium Report."

(j) Insurer's plan of operation, submitted as part of the application process, must address how the Insurer intends to reach the required Minimum Writing Ratio within sixty days of the Board distributing funds to the Insurer.

(k) Insurer shall provide documentation showing that the Insurer is currently in compliance with Section 627.0645, F.S., which requires an annual base rate filing.

(l) Only those Insurers that can demonstrate as a result of their financial condition and business plan that they do not create an unreasonably high level of financial risk to the state involving the full repayment both interest and principal will be considered for Approval by the Board after consulting with the Office and after any other review deemed necessary by the Board.

(6) Prioritization of Applications. The Board may consult with the Office and with independent financial and insurance consultants in prioritizing Approved applications. The intent of the prioritization process is to provide the Surplus Note proceeds to those Insurers that are expected to have the greatest impact and result in the greatest benefits to the residential property insurance market in a timely fashion so as to relieve short term market pressures. Prioritization may occur based upon the following criteria:

(a) The earlier an application is filed, the better the chance that there will be funds remaining in the Program to provide to qualified and Approved Applicants.

(b) The amount of an Insurer's New Capital contributions in excess of the minimum requirement.

(c) An Insurer's financial strength.

(d) The Insurer's ability to timely and expeditiously meet the Minimum Writing Ratio requirement as described in the Insurer's business plan.

(e) The viability and the level of detail and specificity associated with the Insurer's proposed business plan for writing additional residential property insurance covering the peril of wind.

(f) The effect on competition in the residential property insurance market including the number of new policies which the Insurer contemplates writing as a result of the Program.

(g) Whether the repayment of the Surplus Note will be guaranteed by a financially strong guarantor.

(h) Whether the Insurer is willing to pledge any assets as collateral for the repayment of the Surplus Note.

(i) Any other concessions an Applicant is willing to make that would enhance the purposes and effectiveness of the Program.

(7) Additional Information.

(a) In addition to Insurers submitting the Surplus Note application, SBA Form 15-1, the Board may request additional information and data prior to the time the Surplus Note is executed. Such additional information may consist of additional documentation, answers to questions that arise as a result of the review process, and additional information solicited through oral interviews.

(b) Additional information may only be solicited by the Board. The Insurer shall not unilaterally submit additional information or data past the application time frame for which the Surplus Note is being considered. If the Insurer desires to submit such additional information, the Insurer may request

that a new application submission date be established and that the Insurer be considered for the next application time frame as designated in paragraph (4)(e), (f), or (g) above.

(8) Payment Conditions.

(a) Interest Rate: The Surplus Note shall accrue interest on the unpaid principal balance at a rate equivalent to the 10-year U.S. Treasury Bond rate. The rate will be adjusted quarterly for the term of the Surplus Note based on the 10-year Constant Maturity Treasury rate.

(b) Interest for the First Three Years: For the first three years of the Surplus Note, an Insurer is required to pay interest only. However, principal payments can be made during this time at the option of the Insurer. Interest payments shall begin to accrue from the date that the Surplus Note proceeds are distributed to the Insurer.

(c) Repayment Limitations: Any payment of principal or interest by the Insurer on the Surplus Note must be approved by the Commissioner, who shall approve the payment unless the Commissioner determines that such payment will result in a Substantial Impairment to the financial condition of the Insurer. If such a determination is made, the Commissioner shall approve such payment that will not Substantially Impair the financial condition of the Insurer or recommend to the Board a limited time period for the suspension of payments. The Board will seek approval of payments from the Commissioner and will notify any Insurer if a payment of principal and/or interest has been disapproved or, if a lower amount has been approved, the amount by which the usual payment is to be reduced, or whether a payment(s) have been suspended for a limited period of time. If full payments of principal and interest are not received in a timely fashion, the Board may lengthen the term of the Surplus Note and make any other adjustments with the Approval of the Commissioner that will protect the state's interest in the repayment of the proceeds.

(d) Interest shall continue to accrue even in situations where payments under the Surplus Note have been suspended as a result of the Commissioner's actions.

(9) Default: Conditions, Consequences, and Insurer Responsibilities.

(a) Conditions Resulting in Default:

1. Failure to reach the Minimum Writing Ratio within 60 days of an Insurer receiving the proceeds of the Surplus Note distributed by the Board or the failure to maintain the Minimum Writing Ratio once reached.

2. Failure to submit quarterly filings of Form SBA 15-3 to the Office.

3. Failure to maintain the Minimum Required Surplus except for situations involving the payment of losses resulting from a catastrophic event or a series of events resulting in catastrophic losses.

4. Misuse of Program Proceeds: The Surplus Note will be in default if proceeds received pursuant to the Surplus Note are converted into any asset not authorized under Part II of Chapter 625, F.S.

5. Failure to make a payment of interest and/or principal where the payment by the Insurer has been approved by the Office.

6. Failure to make a payment of interest and/or principal where the payment by the Insurer has not been approved by the Office, but alternative payments have been approved.

7. False or Misleading Statements: Any representations, including those made in the application and/or accompanying documentation, which is false or misleading.

8. When the Insurer pays any ordinary or extraordinary dividend when there are payments of principal or interest payments that are past due under the Surplus Note.

(b) Consequences of Default: For all defaults, the Board, in its sole discretion, may exercise any one of the following options:

1. Increase the interest rate to the maximum interest rate permitted by law;

2. Accelerate the repayment of principal and interest;

3. Shorten the term of the Surplus Note;

4. Call the Surplus Note and demand full repayment.

(c) Insurer responsibilities: The Insurer shall notify the Board when any of the above conditions resulting in default arises.

Specific Authority 215.5595 FS. Law Implemented 215.5595(2), (2)(c),(d),(e),(g) FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006, Vol. 32, No.23

## **DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-103.007  
RULE TITLE: Appeals to the Office of the Secretary  
PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

SUMMARY: Amends the rule to remove the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.007 Appeals to the Office of the Secretary.

(1) through (7) No change.

(8) Copies.

(a) through (c) No change.

~~(d) A complete copy of the grievance shall be kept on file in the Bureau of Inmate Grievance Appeals.~~

~~(d)(e)~~ Attachments are considered a part of the grievance and shall not be returned to the inmate, except in those cases where the inmate submits sufficient copies of attachments at the time the grievance appeal is filed.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New 10-12-89, Amended 1-15-92, 12-22-92, 4-10-95, 8-10-97, 12-7-97, 10-7-98, 2-17-99, Formerly 33-29.007, Amended 8-1-00, 6-29-03, 2-9-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes, Director of Research and Support Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-103.016  
RULE TITLE: Follow Through on Approved Grievances

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to remove language stating that the original form DC1-306 is attached to the copy of the approved grievance in the bureau file. This is for consistency with an

amendment to Rule 33-103.007, F.A.C., which deletes the requirement of maintaining a complete copy of the inmate grievance on file in the Bureau of Inmate Grievance Appeals.

SUMMARY: Amends the rule to remove language stating that the original form DC1-306 is attached to the copy of the approved grievance in the bureau file.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS., 45 C.F.R. Part 160, 164 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: Sherry Toothman, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-103.016 Follow Through on Approved Grievances.

(1) No change.

(2) Appeals to the Office of the Secretary. All grievances which are approved by the Office of the Secretary/Bureau of Inmate Grievance Appeals shall be handled as follows:

(a) through (e) No change.

(f) The grievance coordinator shall place a copy of the completed form in the inmate's institutional file, retain a copy for his record, and forward the original and canary copy of form DC1-306 to the Chief of Inmate Grievance Appeals within 45 calendar days from the grievance approval date. The Chief shall ensure that the inmate grievance log in the Bureau of Inmate Grievance Appeals is updated and that ~~the original form DC1-306 is attached to the copy of the approved grievance in the bureau file and~~ a copy of form DC1-306 is sent to the central office inmate file.

Specific Authority 944.09 FS. Law Implemented 944.09 FS., 45 C.F.R. Part 160, 164. History—New, 4-10-95, 12-7-97, Formerly 33-29.0155, Amended 8-1-00, 1-1-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tina Hayes, Director of Research and Support Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Laura E. Bedard, Ph.D., Deputy Secretary

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



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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.313  
 RULE TITLE: Inmate Discipline – Forms  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-112C, Witness Statement, to provide for a use of force number to allow witness statements gathered during investigations to be numbered for tracking purposes.

SUMMARY: A use of force number is being added to Form DC6-112C, Witness Statement, to allow witness statements gathered during investigations to be numbered for tracking purposes.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 20.315, 120.55, 944.09, 945.04 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-601.313 Inmate Discipline – Forms.

(1) The following forms used in implementing the provisions of this chapter are hereby incorporated by reference:

(a) through (d) No change.

(e) DC6-112C, Witness Statement Form, effective date 5-21-00.

(f) through (j) No change.

(2) No change.

Specific Authority 944.09 FS. Law Implemented 20.315, 120.55, 944.09, ~~944.34~~, 945.04 FS. History–New 10-1-95, Formerly 33-22.0117, Amended 5-21-00, 2-11-01, 3-22-05, \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: George Sapp, Assistant Secretary of Institutions

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 16, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Cosmetology**

RULE NO.: 61G5-20.002  
 RULE TITLE: Salon Requirements  
 PURPOSE AND EFFECT: To address cleanliness issues in the salon.

SUMMARY: The rule implements standards for footbath sterilization.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61G5-20.002 Salon Requirements

(1) No change.

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

(g) Pedicure Equipment Sterilization and Disinfection: The following cleaning and disinfection procedures must be used for any pedicure equipment that holds water, including sinks, bowls, basins, pipe-less, and whirlpool spas:

1. After each client, all pedicure units must be cleaned with a chelating soap or detergent with water to remove all visible debris, then disinfected with an EPA registered hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant used according to manufacturers instructions for at least ten (10) minutes. If the pipe-free foot spa has a foot plate, it should be removed and the area beneath it cleaned, rinsed, and wiped dry.

2. At the end of each day of use, the following procedures shall be used:

a. All filter screens in whirlpool pedicure spas or basins for all types of foot spas must be sanitized. All visible debris in the screen and the inlet must be removed and cleaned with a

chelating soap or detergent and water. For pipe-free systems, the jet components or foot plate must be removed and cleaned and any debris removed. The screen, jet, or foot plate must be completely immersed in a EPA registered, hospital grade bactericidal, fungicidal, virucidal, and pseudomonacidal disinfectant that is used according to manufacturers instructions. The screen, jet, or foot plate must be replaced after disinfection is completed and the system flushed with warm water and low-sudsing soap for 5 minutes, rinsed, and drained.

b. After the above procedures are completed, the basin should be filled with clean water and the correct amount of EPA registered disinfectant. The solution must be circulated through foot spa system for 10 minutes and the unit then turned off. The solution should remain in the basin for at least 6 to 10 hours. Before using the equipment again, the basin system must be drained and flushed with clean water.

3. Once each week, subsequent to completing the required end-of-day cleaning procedures, the basin must be filled with a solution of water containing one teaspoon of 5.25% bleach for each gallon of water. The solution must be circulated through the spa system for 5 to 10 minutes and then the solution must sit in the basin, or for at least 6 hours. Before use, the system must be drained and flushed.

4. A record or log book containing the dates and times of all pedicure cleaning and disinfection procedures must be documented and kept in the pedicure area by the salon and made available for review upon request by a consumer or a Department inspector.

(3) through (6) No change.

Specific Authority 477.016, 477.025(2) FS. Law Implemented 477.025 FS. History—New 4-22-81, 1-17-83, 8-10-83, 6-28-84, 10-6-84, 10-6-85, Formerly 21F-20.02, Amended 6-18-86, 10-18-87, 8-20-90, 5-19-91, 1-30-92, 5-11-92, 4-15-93, 5-31-93, Formerly 21F-20.002, Amended 1-9-95, 4-5-95, 8-8-95, 2-28-96, 6-16-97, 8-27-98, 4-13-99, 8-1-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Cosmetology

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

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-5.001  
RULE TITLE: Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify fieldwork educator.

SUMMARY: The amendment to the rule is to clarify fieldwork educator.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.036, 468.219 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-5.001 Requirements for License Renewal of an Active License; Continuing Education.

Continuing education includes attendance and participation as required at a live presentation such as workshop, seminar, conference, or in-service educational programs. It may also include participation in other continuing education activities that require a formal assessment of learning. Examples include, but are not limited to, electronic or web-based courses, formalized self-study courses and continuing education articles. An active license shall be renewed upon demonstration that the licensee has paid the renewal fee set forth in Rule 64B11-2.009 or 64B11-3.007, F.A.C., respectively, and has complied with the following requirements:

(1) through (11) No change.

(12) Fieldwork Experience – A licensee may earn up to 6 continuing education hours per biennium for supervision of a Level II Occupational Therapy or Occupational Therapy Assistant fieldwork student at the rate of no more than 3 hours per student. To be eligible for the credit, the licensee must participate as the primary clinical fieldworker ~~educator~~ for the student. Documentation shall include verification provided by the school to the fieldwork educator with the name of the

student, school, and dates of fieldwork or the signature page of the completed student evaluation form. Evaluation scores and comments shall be deleted or blocked out.

(13) through (15) No change.

Specific Authority 456.036, 468.219 FS. Law Implemented 456.013, 456.033, 456.036, 468.219 FS. History--New 4-17-95, Amended 10-30-95, 3-11-96, Formerly 59R-64.060, Amended 9-23-99, 10-18-01, 6-25-02, 5-7-03, 3-28-04, 10-24-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 27, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

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

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

SUMMARY: The proposed rule will amend the procedures for approval of attendance at continuing education courses.

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

LAW IMPLEMENTED: 468.361(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Respiratory Care,/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) No change.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. through 2. No change.

3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association, ~~provided that they are related to respiratory care services:~~

(b) through (g) No change.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care ~~appropriate~~ continuing education in the areas of management, risk management, personal growth, and education techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) No change.

Specific Authority 468.353(1), 468.361(2) FS. Law Implemented 468.361(2) FS. History--New 4-29-85, Formerly 21M-38.04, Amended 9-29-86, 11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95, 4-24-96, 8-27-96, Formerly 59R-78.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Respiratory Care

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 7, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-137.013  
RULE TITLE: Florida Hurricane Catastrophe Fund Assessment Information Gathering

PURPOSE, EFFECT, AND SUMMARY: The rule establishes procedures by which the Office monitors, verifies, and assures compliance with Section 215.555(6)(b), F.S., relating to assessments to the Florida Hurricane Catastrophe Fund.

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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 215.555(6)(b), 624.308(1), 624.4211 FS.

LAW IMPLEMENTED: 215.555(6)(b), 624.4211 FS.

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

DATE AND TIME: July 28, 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: Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation, E-mail: [carol.mcbrrier@fldfs.com](mailto:carol.mcbrrier@fldfs.com). The form referenced may be downloaded from the Office's web page at [www.floir.com](http://www.floir.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:

690-137.013 Florida Hurricane Catastrophe Fund Assessment Information Gathering.

(1) This rule delineates the information the Office requires from authorized insurers and residual markets to enable the Office to verify the accurate and timely collection and remittance of emergency assessments and to monitor and verify compliance with Section 215.555(6)(b), F.S. This rule also explains how the required information is to be provided to the Office and sets forth penalties for failure to comply with that section and this rule.

(2) The word "applicable premium" as used in this rule means all direct premiums for all lines of property and casualty lines of business in this state, except for the following lines of business as set forth in Section 215.555(6)(b), F.S.:

- (a) Federal Flood;
  - (b) Medical Malpractice;
  - (c) Group Accident & Health;
  - (d) Credit A&H (group and individual);
  - (e) Collectively Renewable A&H;
  - (f) Non-Cancelable A&H;
  - (g) Guaranteed Renewable A&H;
  - (h) Non-Renewable for Stated Reasons Only;
  - (i) Other Accident Only;
  - (j) All Other A&H;
  - (k) Federal Employees Health Benefits Program Premium;
- and
- (l) Workers' Compensation.

(3) All authorized insurers collecting applicable premium shall report to the Office the following information:

- (a) Company Name;
- (b) NAIC Company Code (NAIC cocode);
- (c) Florida Company Code (FL cocode);
- (d) Company contact information;
- (e) Federal Employer Identification Number (FEIN);
- (f) On a Current Year to Date basis, applicable premium written;
- (g) On a reporting period basis (current quarter only), applicable premium written;
- (h) Total FHCF Assessment Due Current Year to Date;
- (i) Assessments Not Collected from Policyholders Current Year to Date;
- (j) Quarterly Payments Made – 1st Calendar Quarter;
- (k) Quarterly Payments Made – 2nd Calendar Quarter;
- (l) Quarterly Payments Made – 3rd Calendar Quarter;
- (m) Quarterly Payments Made – 4th Calendar Quarter; and
- (n) A scanned document showing confirmation of the monies being deposited into the account designated by the FHCF ("payment confirmation document"). The description provided for the wire transfer must include the following information:

- (i) NAIC cocode;
- (ii) Quarter Number; and
- (iii) Date of Payment.

(4) The reporting required by this rule shall be accomplished electronically through the Office's web page found at [www.floir.com](http://www.floir.com). The form by which this is to be accomplished is Form OIR-A1-1688, Florida Catastrophe Fund Assessment Reporting Form (06/2006), which is incorporated herein by reference.

(5) The reporting shall be submitted to the Office on the due dates specified in the Order that will be issued by the Office levying the emergency assessment.

(6) When there is a duty to report applicable premium, each of the following is a violation of Section 215.555(6)(b), F.S., and this rule:

- (a) Not reporting;
- (b) Reporting on or before the specified due dates but not providing all required information and documentation;
- (c) Reporting after the due dates;
- (d) Not remitting the collected assessments to the account specified in the Order issued by the Office; and
- (e) Remitting less than the calculated assessment (the calculated assessment shall take into account the assessments not collected from policyholders).

(7) Violations as set forth in subsection (6) may result in one or more of the following, as appropriate:

- (a) An administrative fine, as set forth in Section 624.4211, Florida Statutes;

(b) Administrative costs charged to the entity for any action taken by the Office in response to noncompliance;

(c) Interest in the amount specified and levied by the Florida Hurricane Catastrophe Fund, Rule 19-8-013, Florida Administrative Code, for late payments;

(d) If information is initially submitted incorrect or incomplete, the company may be levied an administrative fine as set forth in Section 624.4211, Florida Statutes, notwithstanding a subsequent complete and accurate submission made prior to the reporting due date;

(e) An audit of company records relating the assessment;

(f) An examination being performed at the entity's expense to gather and report the required data; and

(g) Other administrative actions as allowed by statute.

(8) The penalties detailed in subsection (7) above will not be levied on a per policy basis.

Specific Authority 624.308(1), 624.4211, 215.555(6)(b) FS. Law Implemented 215.555(6)(b), 624.4211 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Carol McBrier, Office of the Deputy Commissioner (Property and Casualty), Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Streukens, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

**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-13 Mosquito Control Program Administration

RULE NO.: RULE TITLE:  
5E-13.032 Program Directors, Employment and Classification

**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. 17, April 28, 2006 issue of the Florida Administrative Weekly

WHEN AMENDED THE PROPOSED RULE WILL READ AS FOLLOWS:

5E-13.032 Program Directors, Employment and Classification.

(1) through (2) No change.

(3) Commissioners shall forward to the department their recommendation for the new director, along with that individual's written application, to obtain written confirmation of eligibility from together with the individual's written application, for employment as mosquito control program director of the department, pursuant to subsection 5E-13.032(4), F.A.C. ~~the applicant can be employed following passing an examination as required in subsection 5E-13.032(5), F.A.C.~~

(4) through (6) No change.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: James Clauson, Bureau of Entomology and Pest Control, Division of Agricultural Environmental Services, 1203 Governors Square Blvd., Suite 300, Tallahassee, FL. 32301, telephone: (850)922-7011

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:  
59A-8.0095 Personnel

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 12, March 24, 2006 issue of the Florida Administrative Weekly.

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

Paragraph (2)(b),(e) of the above proposed rule was inadvertently underlined in the Notice of Proposed Rulemaking and should have been struck through.

59A-8.0095 Personnel.  
(2) Director of Nursing.

(b) If the administrator is not a physician or registered nurse, the director of nursing shall:

1. Establish service policies and procedures in compliance with ~~Chapter subsections 64E-16.001(4), (5), F.A.C.,~~ and state health statutes and administrative rules pursuant to Section 381.0011(4), F.S., which generally conform to recommended

Centers for Disease Control (CDC) and Occupational Safety and Health Agency (OSHA) guidelines for safety, universal precautions and infection control procedures;

2. through 4. No change.

(c) through (d) No change.

~~(e) If an individual serves as the director of nursing of more than one licensed agency, pursuant to Section 400.462(7), F.S., a designated alternate director of nursing must be available during designated business hours, at each additional agency, who has the responsibility and authority for the clinical operation. Available during designated business hours means being readily available on the premises or by telecommunications.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anne Menard, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, FL 32308, [menarda@ahca.myflorida.com](mailto:menarda@ahca.myflorida.com).

**DEPARTMENT OF MANAGEMENT SERVICES**

**Agency for Workforce Innovation**

RULE NOS.:	RULE TITLES:
60BB-8.203	Cross County Enrollment
60BB-8.204	Uniform Attendance Policy for Funding the VPK Program
60BB-8.301	Statewide Provider Agreement for the VPK Program
60BB-8.400	VPK Class Sizes; Blended Classes; Multi-Class Groups

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rules published in the Vol. 32, No. 7, February 17, 2006, issue of the Florida Administrative Weekly, in accordance with subparagraph 120.54(3)(d)1., F.S. These changes are being made to address comments expressed at the Public Hearings held and comments made by the Joint Administrative Procedures Committee.

60BB-8.203 Cross County Enrollment.

Withdrawn.

Substantial Rewording of the Proposed Rule follows.

60BB-8.204 Uniform Attendance Policy for ~~the~~ Funding of the ~~Voluntary Prekindergarten~~ VPK Program.

(1) Payment for the VPK program. An early learning coalition, or contractor acting on behalf of the coalition, shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) Payment for attendance. An instructional day on which a child attends the VPK program, either in whole or in part, is payable.

(3) Payment for absences.

(a) An instructional day from which a child is absent is payable if the child's absence is excused. If a child's absence is unexcused, the absence is payable, not to exceed three unexcused absences per calendar month.

(b) A child's absence is excused if the child does not attend the VPK program on an instructional day due to one of the following reasons:

1. Illness or injury of the child or the child's family member which requires hospitalization or bed rest;

2. Physician or dentist appointment;

3. Infectious disease or parasitic infestation;

4. Funeral service, memorial service, or bereavement upon the death of the child's family member;

5. Life-threatening illness or injury of the child's family member;

6. Compliance with a court order (e.g. visitation, subpoena);

7. Special education or related services as defined in 20 U.S.C. § 1401 (2004) for the child's disability;

8. Observance of a religious holiday or service, or because the child's or parent's religion forbids secular activity on the instructional day;

9. Family vacation, not to exceed five excused absences per program year; or

10. Extraordinary circumstances beyond the control of the child and the child's parent.

(c) An excused absence is not payable unless the reason for the absence is documented in writing and the private provider or public school submits the documentation to the coalition or contractor.

1. A child's parent may document (e.g., parent's note) seven or fewer excused absences per calendar month.

2. Beyond seven excused absences, a person other than the child's parent must document the excused absence, the person must be unrelated to the child or the child's parent, and the documentation must show that the person has personal knowledge of the reason for the child's absence (e.g., letter from a physician).

(d) An absence is not payable for an instructional day before a child's first day of attendance or after the child's last day of attendance.

(e) Payment for a child shall be suspended if the child does not attend at least 1 instructional day during a calendar month. Payment for the child, including payment for absences accruing while payment is suspended, shall resume when the child subsequently attends the program. If a child does not resume attendance, an absence is not payable for an instructional day after the child's last day of attendance.

(4) Payment for temporary closures.

(a) A temporary closure is payable if a private provider or public school submits written documentation to the coalition or contractor which demonstrates that the closure is temporary and caused by circumstances beyond the provider's or school's control.

(b) Documentation of the circumstances causing a temporary closure is not required if the private provider's or public school's VPK site is located in a county in which government offices normally open to the public are closed by the county, state, or federal governments, or public schools are closed by the school district, because a state of emergency is declared to exist in the county by the county government, the Governor, or the President of the United States. Documentation is required if government offices remain open or a state of emergency is not declared to exist.

(c) A temporary closure is payable for the amount otherwise payable (as if each child enrolled in a private provider's or public school's VPK program attends the program), not to exceed 10 instructional days per closure. If circumstances cause more than one temporary closure, the closures are payable for a combined total of 10 instructional days.

(d) If the combined instructional days of one or more temporary closures extend beyond 10 instructional days, the private provider or public school shall revise its class schedule to restore each instructional day after the 10th instructional day. The revised schedule must not extend beyond the last day by which the VPK class is required to complete instruction. When revising its schedule, a private provider or public school is not required to change the instructional hours per instructional day or instructional days per week of the current class schedule.

(e) A temporary closure is not payable if the closure is caused by circumstances within a private provider's or public school's control. If a temporary closure is caused by circumstances within a private provider's or public school's control, the provider or school must revise its class schedule in accordance with paragraph (d).

(f) A temporary closure is not payable if a private provider or public school does not reopen and resume instruction after the closure. A coalition or contractor shall assist a child with reenrollment if the child's VPK program does not resume instruction after a temporary closure.

(g) If a child does not resume attendance in the VPK program after a temporary closure, notwithstanding paragraph (3)(d), the closure is payable, but the child's absence from an instructional day after the temporary closure is not payable.

(h) A private provider or public school, instead of requesting payment for a temporary closure, may revise its class schedule to restore the instructional days that the closure affects.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New \_\_\_\_\_.

~~60BB-8.301 Voluntary Prekindergarten Uniform Statewide Provider Agreement for the VPK Program Provider Agreement.~~

~~The Agency for Workforce Innovation has prescribed the use of a provider agreement, along with the following procedures, by early learning coalitions for registering private prekindergarten providers and public schools to deliver the VPK program:~~

~~(1)(a) Agreement required. An early learning As part of the registration process for the VPK program, the coalition, or contractor acting on behalf of the coalition, may not pay a private shall require each provider or public school for the VPK program, except under to execute a provider agreement with the coalition. A coalition must be a party to a provider agreement. If a coalition allows a contractor to sign a provider agreement on behalf of the coalition, the coalition remains a party to the agreement. A school district may sign a provider agreement on behalf of a public school in the district.~~

~~(b) A coalition or contractor shall keep a signed copy of a provider agreement in the coalition's or contractor's records on the private provider or public school.~~

~~(2)(a) A provider agreement shall contain execute agreements with the identical terms and conditions as Form AWI-VPK 20; (Statewide Provider Agreement), dated June 9, 2006 version date July 7, 2005, which is hereby incorporated by reference. Except, and may not alter, delete or change the terms and conditions, except as provided in paragraph (b), a provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20 subsection (3) below. This Form AWI-VPK 20 may be obtained from the Office of Early Learning of the Agency for Workforce Innovation is available at the following internet address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, and at the following website: <http://www.floridajobs.org/earlylearning>. [www.floridajobs.org/earlylearning/documents/StatewideProviderAgreementFormAWI-VPK20.pdf](http://www.floridajobs.org/earlylearning/documents/StatewideProviderAgreementFormAWI-VPK20.pdf). This Form may also be obtained by contacting the Early Learning Coalition that serves the Provider's county or by calling the Office of Early Learning at 1(866)357-3239.~~

~~(2) Funding. A coalition may not submit a provider's or school's enrollment to the Agency for Workforce Innovation for purposes of advance payment for services under the VPK program unless the provider or school has executed the provider agreement and the agreement is received by the coalition. In addition, a provider or school shall not be paid for services delivered before the executed agreement is submitted to the coalition.~~

~~(b)(3) Amendments. A coalition may enter into a Each amendment to the provider agreement that omits, supplements, or amends the terms and conditions of Form AWI-VPK 20, if:~~

1. The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation (~~Form AWI-VPK 20 — Statewide Provider Agreement~~) must be provided in writing, dated, and signed by both the coalition and the private provider or public school; and

2. The Deputy Director for Early Learning approves the agreement. ~~Each amendment must also be approved by the Agency for Workforce Innovation, Office of Early Learning.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History—New \_\_\_\_\_.

**60BB-8.400 VPK Program Class Sizes; Blended Classes; Multi-Class Groups and Composition.**

(1) Blended classes.

(a) A private ~~prekindergarten~~ provider or public school may organize ~~a its VPK class classes as a blended class classes, instructing children teaching students~~ enrolled in the VPK program together with children ~~who are~~ not enrolled in the program.

(b) A blended class may include children of any age. ~~A private provider or public school; however, may not organize a blended class in a these multi-age arrangement that prevents the provider or school from implementing a developmentally appropriate curriculum in accordance with Section 1002.67(2)(b) arrangements must not conflict with the provider's or school's obligations under Sections 1002.55, 1002.61, and 1002.63, F.S.~~

(2) Minimum class size. ~~A Each VPK class must be composed of at least four children students enrolled in the VPK program.~~

(a) ~~An early learning coalition, or contractor acting on behalf of the coalition, may not issue To receive the initial prepayment advance payment for a VPK class unless; at least four children in the class are enrolled in the VPK program students must be enrolled for the class.~~

(b) A private provider or public school does not violate the minimum class size, if:

1. ~~Fewer fewer than four children enrolled in the VPK program students attend a VPK class on a particular day; or-~~

2. ~~After the initial prepayment is issued advance payment for a class, the provider or school does not violate the minimum class size if fewer than four children in a VPK class students remain enrolled in the VPK program for the class (e.g., withdrawals).~~

(c) ~~If However, if a VPK student's class is composed of four or fewer children enrolled in the VPK program students, the private provider or public school may not dismiss from the class a child enrolled in the program, the student unless:~~

1.(a) The private provider or public school documents in writing the child's student's noncompliance with the applicable conduct or attendance policies of the provider or school district, as applicable; and

2.(b) The private provider or public school submits the documentation of the child's noncompliance to the early learning coalition or contractor within 3 the coalition's designee not more than three business days after the child's dismissal student is dismissed.

(3) Maximum class size. ~~A Each VPK class may must not exceed 18 children students for a the school-year program or 10 children students for a the summer program. Both Children enrolled in the VPK program, and children not enrolled in the program, students and Non-VPK students are both counted toward the 18-child or 18-student and 10-child maximum class size 10-student maximums.~~ A VPK class may not exceed the maximum class size in enrollment or ~~in daily attendance on a particular day.~~

(4) Multi-class ~~group groups~~. A private provider or public school may ~~instruct teach~~ two or more VPK classes as one group in a single classroom. ~~However, a provider or school must remain in compliance with the appropriate staff to children ratio, square footage per child, or other state or local requirements. A Each VPK class within a multi-class group may not exceed the maximum class size described in subsection (3)-~~

(5) Compliance with other requirements. ~~This rule does not allow a private provider or public school to exceed a staff-to-children ratio, square footage per child, licensing requirement under subsections 402.301-402.319, F.S., or other state or local requirement.~~

(a) ~~May not exceed 18 students for the school-year program or 10 students for the summer program;~~

(b) ~~Must have a prekindergarten instructor for each class; and~~

(c) ~~If the class has 11 or more students, must have a second adult instructor.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Florida Land Sales, Condominiums, and Mobile Homes**

RULE NO.: 61B-23.0021  
 RULE TITLE: Regular Elections; Vacancies Caused by Expiration of Term, Resignations, Death; Election Monitors

**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)l., F.S., published in Vol. 32, No. 18, May 5, 2006, issue of the Florida Administrative Weekly.

NOTE: The add/delete coding shown on the following changes reflects changes from text as proposed rather than amendments from current Florida Administrative Code.



Subsection 61B-23.0021(4) is amended to read:

(4) The first notice of the date of the election, which is required to be mailed, electronically transmitted, or delivered not less than 60 days before a scheduled election, must contain the name and correct mailing address of the association. ~~Failure. The failure to mail or deliver to the eligible voters at the addresses indicated in the official records the first follow the procedures for giving the first notice of the date of the election not less than 60 days before a scheduled election shall require the association to conduct a new election, if the election has been conducted. Where the election has not occurred, the association shall mail, transmit, or deliver an amended first notice to the eligible voters, which shall explain the need for the amended notice, not less than 60 days before the scheduled election. If an amended notice cannot be mailed, transmitted or delivered not less than 60 days before the election, then the association must re-notice and reschedule the election render any election so held null and void.~~

Subsection 61B-23.0021(7) is amended to read:

(7) Upon the timely request of a candidate as set forth in this paragraph, the association shall include, with the second notice of election described in subsection (8) below, a copy of an information sheet which may describe the candidate's background, education, and qualifications as well as other factors deemed relevant by the candidate. The information contained therein shall not exceed one side of the sheet which shall be no larger than 8 1/2 inches by 11 inches. Any candidate desiring the association to mail or personally deliver copies of an information sheet to the eligible voters must furnish the information sheet to the association not less than 35 days before the election. If two or more candidates consent in writing, the association may consolidate into a single side of a page the candidate information sheets submitted by those candidates. The failure of an association to mail, transmit or personally deliver a copy of a timely delivered information sheet of each eligible candidate to the eligible voters shall require the association to mail, transmit, or deliver an amended second notice, which shall explain the need for the amended notice and include the information within the time required by this rule. If an amended second notice cannot be timely mailed, transmitted or delivered, the association must re-notice and reschedule the election render any election so held null and void. If the election has already been conducted, the association shall conduct a new election. No association shall edit, alter, or otherwise modify the content of the information sheet. The original copy provided by the candidate shall become part of the official records of the association.

Subsection 61B-23.0021(9) is amended to read:

(9) The written ballot shall indicate in alphabetical order by surname, each and every unit owner or other eligible person who desires to be a candidate for the board of administration and who gave written notice to the association not less than 40 days before a scheduled election, unless such person has, prior

to the mailing of the ballot, withdrawn his candidacy in writing. The failure of the written ballot to indicate the name of each eligible person shall require the association to mail, transmit, or deliver an amended second notice, which shall explain the need for the amended notice and include a revised ballot with the names of all eligible persons within the time required by this rule. If an amended second notice cannot be timely mailed, transmitted or delivered, then the association must re-notice and reschedule the election render any election so held null and void. If the election has already been held, under these circumstances the association shall conduct a new election. No ballot shall indicate which candidates are incumbents on the board. No write-in candidates shall be permitted. No ballot shall provide a space for the signature of or any other means of identifying a voter. Except where all voting interests in a condominium are not entitled to one whole vote, (fractional voting), or where all voting interests are not entitled to vote for every candidate (class voting), all ballot forms utilized by a condominium association, whether those mailed to voters or those cast at a meeting, shall be uniform in color and appearance. In the case of fractional voting, all ballot forms utilized for each fractional vote shall be uniform in color and appearance. And in class voting situations, within each separate class of voting interests all ballot forms shall be uniform in color and appearance.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
61D-14.044	Identification of Program Storage Media, and Slot Machine Technical Requirements
61D-14.047	Facility Based Monitoring System and Computer Diagnostics
61D-14.074	Security Requirements, System Access, and Firewalls

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in Vol. 32, No. 17, April 28, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments received from interested parties in the pari-mutuel industry, and comments made at a public rule hearing on May 23, 2006.

61D-14.044 Identification of Program Storage Media, and Slot Machine Technical Requirements.

(1) through (2) No change.

(3) The control program shall authenticate all files that are critical to the accurate operation of the slot machine (“critical files”) by employing a hashing algorithm with non-EPROM based slot machines; and a kobetron signature with EPROM

based slot machines which produces a “message digest” output of at least 128 bits at minimum, as certified by the licensed independent test laboratory. The message digest(s) shall be stored on a memory device within the slot machine. Message digests which reside on any other medium shall be encrypted, using a public/private key algorithm with a minimum of a 768 bit key or an equivalent encryption algorithm with similar security certified by the licensed independent test laboratory.

(4) The slot machine shall authenticate all critical files against the stored message digest(s), as required in (3), above. In the event of a failed authentication after the slot machine has been powered up, the slot machine shall immediately enter an error condition with a tower light signal activation and record the details including time and date of the error in the facility based monitoring system ~~a log~~. This error shall require supervisor intervention to clear. The slot machine shall display specific error information and shall not clear until the file authenticates, following the supervisor intervention, or the medium is replaced or corrected.

(5) through (7) No change.

(a) Have the ability to retain data for a minimum of thirty (30) days after power is removed from the slot machine. If a rechargeable battery is used, the battery used to retain power shall recharge itself to its full potential in a maximum of twenty-four (24) hours. The shelf life of the battery used shall be at least five (5) years;

(b) through (10) No change.

(11) Slot machines shall be capable of detecting and displaying error conditions and illuminating the tower light for each slot machine. Play of the slot machine shall cease, and the slot machine shall maintain an internal record if the error is for:

(a) Loss of communication with the facility based monitoring system for longer than 90 minutes;

(b) No change.

(c) ROM error, except that if the ROM error disables the tower light, the tower light illumination requirement does not have to be met;

(d) through (15) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(c), (1)(d), (1)(e), (1)(f) FS. History--New \_\_\_\_\_.

61D-14.047 Facility Based Monitoring System and Computer Diagnostics.

(1) through (6)(a) No change.

(b) Encryption of accounting data communications.

(7) through (9) No change.

(10) The data contained in the facility based monitoring system shall be backed-up daily and the backup shall be sufficient to reconstruct the entire day’s activity. The backup media shall be stored for a minimum of 120 days either off-site or secured on-site in an industry standard 2-hour fire and water resistant storage device. If the data is stored off-site, the slot machine licensee shall provide the division with the address

and telephone number of the off-site storage location saved to a back-up file that shall be updated no less than once every eight hours. The information shall be used in the event of a system wide failure when the facility based monitoring system cannot be restarted in any other way. The facility based monitoring system shall only be reloaded utilizing data contained in the most recent complete back-up that contains at least the following:

(a) through (12) No change.

(13) The facility based monitoring system shall not enable the slot machine(s) for play until the control program is authenticated following receipt of any ~~handpay reset or~~ error listed in Rule 61D-14.044(11), F.A.C.

(14) No change.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(e), (1)(i), 551.104(4)(f) FS. History--New \_\_\_\_\_.

61D-14.074 Security Requirements, System Access, and Firewalls.

(1) No change.

(2) Except as provided in this section, the facility based monitoring system shall not allow for remote access and all- All access to the facility based monitoring system shall be conducted from within the slot machine licensee’s facility. A slot machine licensee shall provide in its system of internal controls a method of providing limited remote access to the facility based monitoring system for a business or person licensed as a business occupational license pursuant to Section 551.107(2)(a)3., Florida Statutes, for performance of maintenance or diagnostics of the facility based monitoring system that cannot be performed by the slot machine licensee’s on-site personnel. The system of internal controls for such remote access shall provide for the following:

(a) Designation of an officer required to sign for acknowledgement of internal controls in subsection 61D-14.058(4), F.A.C., who shall be responsible for determining the need for remote access to the facility based monitoring system;

(b) The device or method through which remote access is given shall be taken offline when remote access is not required;

(c) Limited access to any device or method used to establish remote access including:

1. A list of persons authorized to modify or enable such a device or method used to establish remote access; and

2. Storage of any such device or method in a secure location that is not readily accessible to any person other than those listed under subparagraph (c)1.; and

3. A log with separate entries for each person and the dates and times when the remote access is enabled, disabled or modified.

(d) Maintenance of a log of each time remote access is provided, enabled, disabled or modified with a separate entry for each of the following:

1. The specific reason for which remote access was provided to another person or entity;

2. The name and occupational license number of the employee who authorized remote access to be provided to another person or entity;

3. The name and occupational license number of the employee of the slot machine licensee who established a remote access connection to the person or entity, if such employee is different from the employee provided in subparagraph (d)2.;

4. The name and occupational license number of the person and entity with whom remote access is established. If remote access is provided to an employee of a business occupational licensee, the name and occupational license number of both the employee and the business entity shall be entered on the log;

5. The date and time that remote access is established; and

6. The date and time that remote access is terminated.

(e) A written report to be provided to the division in no less than 24 hours after the remote access has been completed which shall include:

1. The reason that remote access was provided, enabled, disabled or modified;

2. The name of the employee of the slot machine licensee that authorized the remote access;

3. The name of the slot machine employee who established the remote access on behalf of the slot machine licensee;

4. The name of the person and entity with whom remote access was established;

5. The date and time remote access was established and concluded; and

6. A narrative report that shall describe:

a. Each component of the facility based monitoring system that was accessed; and

b. Whether the remote access was successful in resolving the issue described in subparagraph (d)1.

(3) Automated ticket redemption machines are only to be used for the purpose of accepting, validating and providing payment for tickets inserted, or converting bills into smaller denominations. Automated ticket redemption machines shall not incorporate other functions. Automated ticket redemption machines shall use a communication protocol that shall not permit the automated ticket redemption machine to write directly to the system database and only process payments based on commands from the system. Automated ticket redemption machines shall meet the slot machine hardware requirements for security and player safety, as set forth in Rule 61D-14.022-044, F.A.C.

(4) through (10) No change.

(11) A business occupational licensee who provides maintenance or diagnostic services under this section for a slot machine licensee by remote access shall maintain a log each time remote access is provided by a slot machine licensee with a separate entry for each of the following:

(a) The specific slot machine licensee;

(b) The name and occupational license number of the employee of the slot machine licensee who requested remote access;

(c) The name and occupational license number of the employee of the slot machine licensee who established a remote access connection to the business occupational licensee, if such employee is different from the employee provided in paragraph (11)(b);

(d) The name and occupational license number of the employee of the business occupational licensee who provides services to the slot machine licensee by remote access;

(e) The date and time that remote access is established; and

(f) The date and time that remote access is terminated.

(12) A written report shall be provided by a business occupational licensee that performs maintenance or diagnostic services under (11) to the division at the division's office located at the slot machine licensee's facility to whom services were provided by remote access. The report shall be postmarked for no less than 24 hours after the remote access has been completed which shall include:

(a) The reason that remote access was provided;

(b) The name of the employee of the slot machine licensee that authorized the access;

(c) The name of the slot machine employee who established the remote access on behalf of the slot machine licensee;

(d) The name of the person and entity with whom remote access was established;

(e) The date and time remote access was established and concluded; and

(f) A narrative report that shall describe:

1. Each component of the facility based monitoring system that was accessed; and

2. Whether the remote access was successful in resolving the issue described in subparagraph (2)(d)1.

Specific Authority 551.103(1), 551.122 FS. Law Implemented 551.103(1)(d), (1)(g), (1)(i) FS. History—New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Barbers' Board**

RULE NO.:  
61G3-19.011

RULE TITLE:  
Barbershop Requirements

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol.32, No.13, of the March 31, 2006, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board, at its meeting held on May 15, 2006, voted to make changes to the rule to address the JAPC concerns. The changes are as follows:

Rule 61G3-19.011(6) should read as follows: "The barber shop must have one or more shampoo bowls equipped with hot and cold running water. The shampoo bowls shall be located in the area where barbering services are performed."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Robyn Barineau, Executive Director, Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

**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 Psychology**

RULE NO.:	RULE TITLE:
64B19-14.003	Reactivation of Retired Status Licenses

**SECOND NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 32, No. 10, of the March 10, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. A Notice of Change was published for this rule in Vol. 32, No. 21, of the May 26, 2006 F.A.W. The following change was inadvertently omitted from the previous Notice of Change. The change is as follows:

1. Paragraph (2)(b) shall now read: "Paying the reactivation fee set out in Rule 64B19-12.006, F.A.C.;"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:	RULE TITLE:
64B19-18.001	Qualifications to Evaluate and Treat Sex Offenders Under Qualified Practitioner" Status

**CORRECTED NOTICE OF PUBLIC HEARING**

The Board of Psychology hereby gives notice of a change in the date of the public hearing on the above-referenced proposed rule which published in Vol. 32, No. 13, of the March 31, 2006 F.A.W. The hearing has been rescheduled to Friday, July 28, 2006, at 2:00 p.m., or as soon thereafter as can be heard, at the Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida 32827. Notice of the proposed rule was originally published in Vol. 32, No. 2, of the January 13, 2006, Florida Administrative Weekly.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Physical Therapy Practice/MQA, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Board's Executive Director at least five calendar days prior to the hearing. 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).

**DEPARTMENT OF HEALTH**

**Board of Psychology**

RULE NO.:	RULE TITLE:
64B19-18.001	Qualifications to Evaluate and Treat Sex Offenders as a "Qualified Practitioner"

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 2, of the January 13, 2006, issue of the Florida Administrative Weekly. The changes are in response to public comments received on the rule. The Board discussed this rule at its telephone conference meeting held on June 16, 2006. The Board voted to change the rule to read as follows:

64B19-18.001 Qualifications to Evaluate and Treat Sex Offenders as a "Qualified Practitioner".

Prior to holding oneself out as a "Qualified Practitioner," eligible to evaluate and treat sex offenders, complete a "risk assessment" or prepare a "safety plan," as defined in Sections 947.005(9), (10), (11), and 948.001(6), (7), (8), Florida Statutes, a Florida licensed psychologist must:

(1) Possess 55 hours of education (based on the formula: one doctoral hour equals 10 education hours and one continuing education hour equals one education hour) in any combination of the following core areas:

(a) Theory and research regarding the etiology of sexual deviance;

(b) Theory and research regarding evaluation, risk assessment and treatment of sex offenders;

(c) Theory and research regarding evaluation, risk assessment and treatment of specialized populations of sex offenders (i.e., the female and developmentally delayed);

(d) Theory and research regarding physiological measures of sexual arousal;

(e) Safety planning/Family safety planning; and

(f) Legal and ethical issues in the evaluation and treatment of sex offenders.

(2) Possess 2,000 hours of supervised experience in the evaluation and treatment of sex offenders.

(3) Those licensees who are able to demonstrate 2,000 hours of practice and treatment of sex offenders during the five years immediately prior to January 1, 2006, shall be deemed to meet all the requirements of this rule.

Specific Authority 947.005(9), 948.001(6), 490.004(4) FS. Law Implemented 947.005(9), 948.001(6) FS. History—New \_\_\_\_\_.

The Board will be holding a public hearing on this rule on July 28, 2006, in Orlando, Florida.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan K. Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.: 67-38  
 RULE CHAPTER TITLE: Predevelopment Loan Program  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above Notice of Proposed Development regarding the above rule, as noticed in Vol. 32, No. 25, June 23, 2006, 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.”

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19ER06-04 (19-8.013)  
 RULE TITLE: Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: On May 31, 2006, Emergency Rule 19ER06-2, (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S. was approved for filing by the Governor and Cabinet and was filed and became effective. Subsequently, it was determined that an additional change was needed to provide that reimbursement premiums received in the Contract Years 2007-2008 and thereafter are available to secure the bonds issued on behalf of the Florida Hurricane Catastrophe Fund (“FHCF”) by the Florida Hurricane Catastrophe Finance Corporation (“Corporation”). This emergency Rule 19ER06-4, includes all the changes made by emergency Rule 19ER06-2. The primary difference is that in this emergency rule, the following sentence in paragraph (4)(c)2. is amended:

Amounts collected in Contract Year 2006-2007 as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), F.S., may be used to pay for losses attributable to prior Contract Years.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:**

Amending the sentence immediately above places the FHCF back into the position it has been since the time the rapid cash build-up was authorized in 2002, through May 10, 2006, when Rule 19-8.013, F.A.C., was amended to allow the rapid cash build-up portion of the reimbursement premiums to be used to pay past losses. The FHCF has never used a rapid cash build-up and has provided in all Reimbursement Contracts and in Rule 19-8.013, F.A.C. that reimbursement premiums (of which any rapid cash build-up would be a part) would not be used to pay losses from years prior to the year in which the premium is attributable. The tremendous losses during the 2004 and 2005 hurricane season prompted the FHCF to amend Rule 19-8.013, F.A.C. to allow for the use of the rapid cash build-up factor to be used to pay losses from years prior to the year in which the rapid cash build-up was attributable.

The FHCF is currently involved in issuing bonds to raise funds to pay past losses and emergency rule 19ER06-2 was filed to assist in this process. It was learned subsequent to the filing of this emergency rule that, due to federal tax reasons related to the bonding and to secure the bonds, an additional emergency rule was needed to amend the sentence, quoted above, that allowed the use of that portion of the reimbursement premiums attributable to the rapid cash build-up to be used to pay past losses.

All of the changes, except the amended sentence immediately above, were addressed during a regularly scheduled meeting of the FHCF Advisory Council on May 11, 2006. The meeting, which was open to the public, was noticed on the FHCF

website, and a notice was mailed to every person or entity on the FHCF's mailing list. In addition, emergency rule 19ER06-2 and this emergency Rule 19ER06-4, were both placed on the FHCF's website.

**SUMMARY OF THE RULE:** Rule 19ER06-4, is titled "19-8.013, Revenue Bonds Issued Pursuant to Section 215.555(6), F.S." The changes made added clarifications regarding the use of reimbursement premiums and rapid cash build-up to pay losses, clarifications to the grounds for adjusting the emergency assessment percentage, and clarifications were added addressing the emergency assessment payment calculations.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Jack E. Nicholson, Senior FHCF Officer, Florida Hurricane Catastrophe Fund, State Board of Administration of Florida

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

19ER06-4 (19-8.013) Revenue Bonds Issued Pursuant to Section 215.555(6), F.S.

(1) Purpose. This rule establishes the Board's policy regarding the issuance of revenue bonds pursuant to Section 215.555(6), F.S. The rule provides definitions; interprets certain terms in Section 215.555, F.S.; establishes factors for determining when to issue revenue bonds, the amount of any such revenue bonds, and the source for repayment of any such revenue bonds; and establishes procedures for levying Emergency Assessments pursuant to Section 215.555(6)(b), F.S.

(2) Definitions. The terms defined below will be capitalized in this rule.

(a) Assessable Insurer means Authorized Insurers writing property and casualty business in this state and any entity created pursuant to Section 627.351, F.S. Surplus lines insurers are not Assessable Insurers. Reinsurers are not Assessable Insurers.

(b) Assessable Insured means each insured procuring property and casualty coverage from surplus lines insurers regulated under Part VIII of Chapter 626.

(c) Assessable Lines are those lines of property and casualty business subject to assessment under Section 215.555(6)(b)(1), F.S., and as more fully described in subsection (5), below.

(d) Authorized Insurer means an insurer as defined in Sections 215.555(2)(c) and 624.09(1), F.S. For purposes of this rule, Authorized Insurer includes any joint underwriting association or similar entity created pursuant to Section 627.351, F.S.

(e) Balance of the Fund and Fund Balance have the same meaning given to Balance of the Fund as of December 31 in Article V of the Reimbursement Contract adopted by and incorporated into Rule 19-8.010, F.A.C.

(f) Board means the State Board of Administration of Florida.

(g) Contract Year means the time period that begins June 1 of each calendar year and ends May 31 of the following calendar year.

(h) Corporation means the Florida Hurricane Catastrophe Fund Finance Corporation created by Section 215.555(6)(d), F.S.

(i) Covered Event means a hurricane as defined in Section 215.555(2)(b), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(j) Covered Policies means an insurance policy covering residential property, as defined in Section 215.555(2)(c), F.S., and in Article V of the Reimbursement Contract adopted and incorporated by reference in Rule 19-8.010, F.A.C.

(k) Department means the Florida Department of Financial Services, which was created pursuant to Section 20.121, F.S., and which is charged with regulating the Florida insurance market and administering the Florida Insurance Code.

(l) Emergency Assessment means the assessment levied by the Office of Insurance Regulation at the direction of the Board on direct written premiums for all Assessable Lines pursuant to and subject to the exceptions in Section 215.555(6)(b), F.S., and as more fully described in subsection (5) of this rule.

(m) Fund means the Florida Hurricane Catastrophe Fund.

(n) Office of Insurance Regulation means that office within the Department which was created in Section 20.121(3), F.S.

(o) Participating Insurer means an insurer which writes Covered Policies in this state and which has entered into a Reimbursement Contract with the Board, pursuant to Section 215.555(4)(a), F.S.

(p) Reimbursement Contract means the annual contract required pursuant to Section 215.555 (4)(a), F.S., which provides coverage to Participating Insurers for losses to covered property during a Covered Event.

(q) Reimbursement Premium means the premium determined by multiplying each \$1,000 of insured value reported by the Participating Insurer in accordance with Section 215.555(5), F.S., by the rate as derived from the premium formula as described in Rule 19-8.028, F.A.C.

(3) Limitations on the Fund's Liability. The Fund's liability under the Reimbursement Contracts for Covered Events in a Contract is limited to the lesser of (a) the amount determined pursuant to Section 215.555 (4)(c)1., F.S., or (b) the Balance of the Fund for the Contract Year in which the Covered Events have occurred, any reinsurance purchased by the Fund plus the amount the Board has raised through the issuance of revenue bonds for losses from Covered Events in

the Contract Year and the additional amount the Board determines it is able to raise through the issuance of revenue bonds for losses from Covered Events in the Contract Year.

(4) Determinations Regarding Bond Issuance.

(a) General Factors for Use in Determining Whether to Issue Bonds. Based on the requirements of Section 215.555, F.S., on all rules adopted pursuant thereto, and on the foregoing interpretations, the Board determines that the Legislature intended the Fund to be a sustainable, permanent, and continuing trust fund established within the meaning of Article III, s. 19 of the Florida Constitution which is available to pay reimbursable losses for Covered Events in more than one year. The Board further determines that the Legislature deliberately and purposefully limited the Fund's liability as to Covered Events in any one Contract Year in order to provide for an on-going Fund. The Board determines that in its fiduciary capacity regarding the Fund, it is prudent to adopt the interpretations set out in this rule and to conform all its other policies, rules, and methods of operation to those fiduciary responsibilities and interpretations.

(b) Quality of Bonds to be Issued. The Board finds that in order to fulfill its fiduciary responsibilities to maintain and enhance the on-going viability and credibility of the Fund and to operate in the most cost-efficient manner, all revenue bonds issued to pay reimbursable losses shall be investment grade bonds, except to the extent that revenue bonds other than investment grade are needed to pay a small amount of legitimate but unexpected reimbursable losses. Upon the occurrence of such an exception, any revenue bonds issued will be issued only after a determination by the Board that the issuance of such bonds is fiscally responsible, in light of the Board's fiduciary responsibilities.

(c) Emergency Assessments.

1. If the Board determines that the amount of revenue produced under Section 215.555(5), F.S., is insufficient to fund the obligations, costs, and expenses of the Fund and the Corporation, including repayment of revenue bonds and that portion of debt service coverage not met by Reimbursement Premiums, the Board shall direct the Office of Insurance Regulation to levy an Emergency Assessment on direct written premiums for all Assessable Lines. In making this determination, the Board may consider the projected Balance of the Fund; anticipated additional Fund revenues; the meteorological severity and geographical area impacted by each Covered Event; estimates of losses from the insurance industry, from individual insurers, from federal, state, and local emergency response entities, from loss reports submitted to the Board by Participating Insurers, from reviews of loss reports by the Fund's Administrator, from information provided by modeling companies, from claims development patterns derived from known historical events, from an analysis of

market shares of Participating Insurers in the impacted area, and any other credible sources of loss information; and any other information determined by the Board to be relevant.

2. Except as required by Section 215.555(7)(c), F.S., or as described in the following two sentences, Reimbursement Premiums, together with earnings thereon, received in a given Contract Year will be used only to pay for losses attributable to Covered Events occurring in that Contract Year or for losses attributable to Covered Events in subsequent Contract Years and will not be used to pay for past losses or for debt service on revenue bonds. ~~Amounts collected as part of the premium that are attributable to the rapid cash buildup factor, as permitted by Section 215.555(5)(b), Florida Statutes may be used to pay for losses attributable to prior Contract years.~~ Pursuant to Section 215.555(6)(a)1., F.S., Reimbursement Premiums, earnings thereon or amounts collected as part of the premium that are attributable to the rapid cash buildup factor, may be used for payments relating to revenue bonds in the event Emergency Assessments are insufficient. If Reimbursement Premiums are used for debt service, then the amount of the Reimbursement Premiums, earnings thereon, or amounts collected as part of the premium that are attributable to the rapid cash buildup factor so used shall be returned, without interest, to the Fund when Emergency Assessments remain available after making payments relating to the revenue bonds and any other purposes for which Emergency Assessments were levied.

(d) Specific Procedures Regarding Issuance of Bonds on a Pre-Event Basis. In making a determination to authorize the issuance of revenue bonds on a Pre-event basis ("in the absence of a hurricane"), pursuant to Section 215.555(6)(a), F.S., the Board shall consider the following factors: the projected Fund Balance; reserves for mitigation appropriations; estimated amounts needed for administration of the Fund; projected amounts of future Reimbursement Premiums; projected amounts of earnings on collected Reimbursement Premiums; the projected frequency and magnitude of future Covered Events; current and projected interest rates on revenue bonds; current and projected market conditions for the sale of revenue bonds; projected credit ratings for the Fund and for revenue bonds issued on behalf of the Fund; current and projected availability of bond insurance or other credit enhancement for revenue bonds; the costs of issuance of revenue bonds; the debt service requirements of the revenue bonds; the estimated value, both monetary and non-monetary, of the issuance of Pre-event bonds on the costs of Post-event bonds in terms of benchmark pricing, secondary market trading, investor education, being a first-time issuer Post-event, confidence of insurers and reinsurers in the Fund's ability to issue revenue bonds Post-event, market education, and document preparation; and any other factors relevant to the determination at the time such determination is made.

(e) Specific Procedures for Issuance of Revenue Bonds on a Post-Covered Event Basis. Upon the occurrence of a Covered Event for which the Board determines that moneys in the Fund are or will be insufficient to pay reimbursement at the levels promised in the Reimbursement Contracts:

1. The Board will determine the projected reimbursable losses of Participating Insurers, whether or not the Fund has or will have sufficient funds to reimburse Participating Insurers for their reimbursable losses and the estimated shortfall which shall be covered by the issuance of revenue bonds or through incurrence of other indebtedness.

2. Based on the amount of the shortfall determined in accordance with subparagraph 1., above, the Board will determine the needed percentage of direct premium written for Assessable Lines. The Emergency Assessment percentage will be determined as follows:

a. The Board will review available information, from the Office of Insurance Regulation, the Florida Surplus Lines Service Office and the National Association of Insurance Commissioners, regarding direct premiums written for Assessable Lines in Florida, reportable pursuant to Section 624.424, F.S. or pursuant to Part VIII of Chapter 626, F.S.

b. The Board will review and assess existing market conditions regarding the issuance and sale of bonds or the incurrence of other indebtedness to determine the amount of revenues which will be required to pay debt service on any bonds issued or other indebtedness incurred.

c. Based on the specific information described above and on any other information determined by the Board to be relevant, the Board will determine the Emergency Assessment percentage necessary to fund the obligations, costs, and expenses of the Fund and the Corporation including repayment of revenue bonds and that portion of the debt service coverage not met by Reimbursement Premiums, and shall adopt a resolution directing the Office of Insurance Regulation to levy the Emergency Assessment on all Assessable Lines.

3. The emergency assessment is subject to interest on delinquent remittances at the average rate earned by the SBA for the FHC for the first five months of the Contract Year for which such information is available plus 5%. The emergency assessment is also subject to annual adjustments by the Board ~~to reflect changes in premiums subject to assessments~~ in order to meet debt obligations.

(5) Procedures regarding Levying Emergency Assessments Pursuant to Section 215.555(6)(b), F.S.

(a) If the Board directs the Office of Insurance Regulation to levy Emergency Assessments, then the Office of Insurance Regulation shall issue Orders to the Florida Surplus Lines Service Office and to each Assessable Insurer levying an Emergency Assessment for the Assessable Lines set out in paragraph (d), below.

(b) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insurer shall remit to the entity identified in the Order, an amount equal to the required percentage of its direct written premium for the ~~preceding calendar quarter calendar year to which the assessment applies~~ from all Assessable Lines. Medical malpractice is an Assessable Line of business but only as to covered events occurring on or after June 1, 2007. In addition, pursuant to the doctrine of federal pre-emption, policies issued as part of the National Flood Insurance Program are not subject to the Emergency Assessment. The required percentage will be determined in accordance with Section 215.555(6)(b), F.S., and the procedures set out in subsection (4) of this rule.

(c) Pursuant to the Order issued by the Office of Insurance Regulation levying the Emergency Assessment, each Assessable Insured shall remit and each surplus lines agent shall collect an amount equal to the required percentage of its direct written premium from all Assessable Lines. Surplus lines agents shall collect the Emergency Assessment at the same time as the surplus lines agent collects the surplus lines tax required by 626.932, F.S. and remit to the Florida Surplus Lines Service Office at the same time as the agent remits the surplus lines tax to that Office. The Emergency Assessment on each insured procuring coverage and filing under Section 626.938, F.S., shall be an amount equal to the required percentage of its direct written premium from all Assessable Lines and shall be remitted by the insured to the Florida Surplus Lines Service Office at the time the insured pays the surplus lines tax to that Office. The Florida Surplus Lines Service Office shall remit the Emergency Assessments received as directed by the Office of Insurance Regulation.

(d) Lines of Business Subject to Assessment.

1. The lines of business described in subparagraph 2., below, are the lines of business subject to the Emergency Assessment under Section 215.555(6)(b)(1), F.S. For ease of reference, the lines of business are written and listed as they appear on Statutory Page 14 Exhibit of Premiums and Losses in the property and casualty annual statement of the National Association of Insurance Commissioners required to be filed by authorized insurers pursuant to Section 624.424, F.S.

2. Assessable Lines. Note that the numbers below preceding the names of the lines of business do not correspond to the line numbers of the property and casualty annual statement referenced in subparagraph 1., immediately above.

- a. Fire.
- b. Allied Lines.
- c. Multiple Peril Crop.
- d. Farmowners Multiple Peril.
- e. Homeowners Multiple Peril.
- f. Commercial Multiple Peril (non-liability).
- g. Commercial Multiple Peril (liability).
- h. Mortgage Guaranty.



- i. Ocean Marine.
- j. Inland Marine.
- k. Financial Guaranty.
- l. Medical Malpractice (Medical Malpractice insurance premiums are not subject to Emergency Assessments attributable to covered events occurring prior to the Contract Year that begins on June 1, 2007).
- m. Earthquake.
- n. Other Liability.
- o. Products Liability.
- p. Private Passenger Auto No-Fault.
- q. Other Private Passenger Auto Liability.
- r. Commercial Auto No-Fault.
- s. Other Commercial Auto Liability.
- t. Private Passenger Auto Physical Damage.
- u. Commercial Auto Physical Damage.
- v. Aircraft (all perils).
- w. Fidelity.
- x. Surety.
- y. Burglary and Theft.
- z. Boiler and Machinery.
- aa. Credit.
- bb. Aggregate Write Ins.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7) FS. History—New 9-18-97, Amended 12-3-98, 9-12-00, 6-01-03, 5-19-04, 5-29-05, 5-10-06, 5-31-06, 6-15-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: June 15, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-31  
RULE TITLE: Instant Game Number 653, ACES & 8's

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 653, "ACES & 8's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value, and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-31 Instant Game Number 653, ACES & 8's.

(1) Name of Game. Instant Game Number 653, "ACES & 8's."

(2) Price. ACES & 8's lottery tickets sell for \$1.00 per ticket.

(3) ACES & 8's lottery tickets shall have a series of numbers in Machine Readable Code (or bar code) on the back of the ticket, along with a Void If Removed Number under the latex area on the ticket. To be a valid winning ACES & 8's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The play symbols and play symbol captions are as follows:



(5) The "PRIZE" symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$3.00</b>	<b>\$5.00</b>	
TICKET	ONE	TWO	THREE	FIVE	
<b>\$10.00</b>	<b>\$20.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$5,000</b>
TEN	TWENTY	THY FIVE	FIFTY	ONE HUN	FIVE THO

(6) The legends are as follows:

HAND 1  
HAND 2  
HAND 3  
PRIZE HAND 4

(7) Determination of Prizewinners. There are four hands

on a ticket. A ticket having two "8" symbols in the same hand shall entitle the claimant to the corresponding prize

shown. A ticket having two "A" symbols in the same hand shall entitle the claimant to double the corresponding prize shown. The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100 and \$5,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a \$1.00 instant ticket, except as follows. A person who submits by mail a ACES & 8's lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(8) The estimated odds of winning, value and number of prizes in Instant Game Number 653 are as follows:

**DEPARTMENT OF THE LOTTERY**

**RULE NO.:** 53ER06-32  
**RULE TITLE:** Instant Game Number 652, BLACKJACK

**SUMMARY OF THE RULE:** This emergency rule describes Instant Game Number 652, "BLACKJACK," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

53ER06-32 Instant Game Number 652, BLACKJACK.

(1) Name of Game. Instant Game Number 652, "BLACKJACK."

(2) Price. BLACKJACK lottery tickets sell for \$2.00 per ticket.

(3) BLACKJACK lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning BLACKJACK lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR HANDS" play symbols and play symbol captions are as follows:



(5) The "DEALER'S HAND" play symbols and play symbol captions are as follows:



(6) The prize symbols and prize symbol captions are as follows:

<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$5.00</b>	<b>\$10.00</b>	<b>\$25.00</b>
TICKET	ONE	TWO	FIVE	TEN	THY FIVE
<b>\$50.00</b>	<b>\$100</b>	<b>\$500</b>	<b>\$1,000</b>	<b>\$5,000</b>	<b>\$10,000</b>
FIFTY	ONE HUN	FIVE HUN	ONE THO	FIVE THO	TEN THO

GAME PLAY	WIN	NUMBER OF	
		ODDS OF	180,000 TICKETS
TICKET	\$1 TICKET	1 IN	PER POOL
\$1	\$1	10.00	1,008,000
\$2	\$2	15.00	672,000
\$2	\$2	25.00	403,200
\$2 (TWO ACE CARDS)	\$4	75.00	134,400
\$1 + \$2 (TWO ACE CARDS)	\$5	75.00	134,400
\$5	\$5	150.00	67,200
\$5 (TWO ACE CARDS)	\$10	300.00	33,600
\$10	\$10	300.00	33,600
\$2 + \$3 + (\$10 x 2)	\$25	1,800.00	5,600
\$5 + \$10 (TWO ACE CARDS)	\$25	450.00	22,400
\$25	\$25	1,800.00	5,600
\$10 + \$20 (TWO ACE CARDS)	\$50	1,440.00	7,000
\$25 (TWO ACE CARDS)	\$50	3,600.00	2,800
\$50	\$50	6,923.08	1,456
\$25 x 4	\$100	90,000.00	112
\$50 (TWO ACE CARDS)	\$100	11,250.00	896
\$100	\$100	90,000.00	112
\$100 (TWO ACE CARDS)	\$200	90,000.00	112
\$5,000	\$5,000	1,680,000.00	6

(9) The estimated overall odds of winning some prize in Instant Game Number 653 are 1 in 3.98. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(10) For reorders of Instant Game Number 653, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(11) By purchasing a ACES & 8's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(12) Payment of prizes for ACES & 8's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

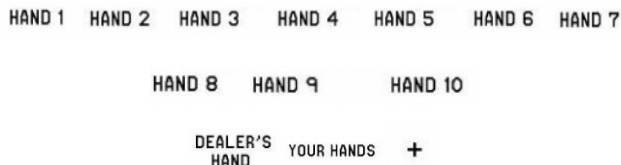
A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History--New 6-14-06.

**THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.**

**EFFECTIVE DATE: June 14, 2006**

(7) The legends are as follows:



(8) Determination of Prizewinners.

(a) There are ten hands on a ticket. Players may win in one or more hands per ticket. The value assigned to Aces is 11, and the value assigned to Jacks, Queens and Kings is 10. A ticket having two cards in the "YOUR HANDS" play area of one hand, the total of which is greater than the total of the cards in the "DEALER'S HAND" play area shall entitle the claimant to the corresponding prize shown for that hand. A ticket having two cards that total twenty-one in the "YOUR HANDS" play area of one hand shall be entitled to double the prize shown for that hand.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500, \$1,000, \$5,000 and \$10,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a BLACKJACK lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 652 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF
			WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2	10.00	756,000
\$2	\$2	30.00	252,000
\$2 (BLACKJACK)	\$4	30.00	252,000
\$1 + \$2 (BLACKJACK)	\$5	37.50	201,600
\$5	\$5	37.50	201,600
\$5 (BLACKJACK)	\$10	50.00	151,200
\$2 x 5	\$10	300.00	25,200
\$10	\$10	300.00	25,200
\$25	\$25	150.00	50,400
\$5 x 10	\$50	3,600.00	2,100
\$25 (BLACKJACK)	\$50	360.00	21,000
\$50	\$50	3,600.00	2,100
\$10 x 10	\$100	2,337.66	3,234
\$50 (BLACKJACK)	\$100	1,800.00	4,200
\$100	\$100	7,200.00	1,050
\$500 (BLACKJACK)	\$1,000	315,000.00	24
\$1,000	\$1,000	945,000.00	8
\$5,000 (BLACKJACK)	\$10,000	3,780,000.00	2
\$10,000	\$10,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 652 are 1 in 3.88. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 652, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a BLACKJACK lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for BLACKJACK lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 6-14-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 14, 2006

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER06-33  
 RULE TITLE: Prerequisites

SUMMARY OF THE RULE: The Department deems it necessary to establish the approval of the payment of prerequisites.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-33 Prerequisites.

(1) Prerequisites are defined as those things or the use thereof, or services of a kind which confer on the officers or employees receiving them some benefit that is in the nature of additional compensation, or that reduce to some extent the normal personal expenses of the officer or employee receiving them, and shall include, but not be limited to, such things as quarters, subsistence, utilities, uniforms, laundry services, medical services, provision of promotional items to employees, use of state-owned vehicles for other than state purposes, moving expenses, and similar things.

(2) The provision of prerequisites shall be made only upon approval of the Secretary.

Specific Authority 24.105(9)(j) FS. Law Implemented 24.105(19)(d), 216.262(1)(f) FS. History–New 6-14-06, Supersedes 53-13.009.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: June 14, 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 JUVENILE JUSTICE**

**Residential Services**

RULE NOS.:	RULE TITLES:
63EER06-17	Purpose and Scope
63EER06-18	Definitions
63EER06-19	Admission Criteria
63EER06-20	Admission Procedures
63EER06-21	Program Orientation
63EER06-22	Program Components
63EER06-23	Behavior Management
63EER06-24	Operational Inspections
63EER06-25	Program Administration
63EER06-26	Staff Training Requirements
63EER06-27	Youth Release or Transfer

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:** The 2006 Legislature passed House Bill 5019, which became law on May 31, 2006, as chapter 2006-62, Laws of Florida. The law establishes Sheriff’s Training and Respect (STAR) programs beginning on the July 1, 2006 effective date. The law requires the programs to be in compliance the Department rules upon their July 1, 2006 opening. Required rules must be in place by the July 1, 2006 effective date, and the Department is specifically authorized to adopt emergency rules for this purpose.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** There is approximately one month between the passage of the law and its July 1 effective date, which marks the opening of the programs, and at which time the Department must have its emergency rules in place. The Department was in contact with its law enforcement partners throughout the drafting process. A draft rule was prepared, which was posted on the Department’s website on June 9, 2006. The same day, a public hearing on the draft rule was noticed in the Florida Administrative Weekly, to be held at the Department’s Tallahassee Headquarters on June 16, 2006. The hearing was held, and revisions to the draft rule were incorporated. The final draft will be posted on the Department’s website prior to its publication on June 30, 2006.

**SUMMARY OF THE RULE:** These eleven rule sections establish pre-admission, operational, programmatic, training, evaluation and release requirements governing Sheriff’s Training and Respect (STAR) programs.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, phone number (850)921-4116

**THE FULL TEXT OF THE EMERGENCY RULE IS:**

63EER06-17 Purpose and Scope.

The rule establishes pre-admission, operational, training, evaluation and release requirements governing Sheriff’s Training and Respect (STAR) programs.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History–New 7-1-06.

63EER06-18 Definitions.

(1) Alternative Training – authorized physical activities, which are imposed by STAR program staff following a youth’s misconduct. Alternative training is intended to correct a youth’s behavior by imposing minor sanctions.

(2) Critical life safety –a condition or conditions in facility buildings and grounds or the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(4) Extenuating circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(5) Minimum Thresholds - defined as at least a 60 percent performance overall rating in the department’s Quality Assurance evaluation system.

(6) Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

(7) Physical Training – a series of organized group calisthenics and exercise designed to develop the physical fitness of a youth to an optimum level.

(8) Post-residential Services Counselor – the person supervising the youth’s post-commitment probation or conditional release after residential placement.

(9) Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.

(10) Protective Action Response policy – the departmental policy governing staff’s use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091 FS. History–New 7-1-06.

63EER06-19 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the Department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the Department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth’s fitness for the physical demands of the program and to preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program’s physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be performed no earlier than 45 days prior to admission into the STAR program;

(c) A preadmission Comprehensive Evaluation with the psychological component conducted by a licensed mental health professional or a Master’s level mental health clinical staff person working under the direct supervision of a licensed mental health professional. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458 or 459, F.S., a psychologist licensed pursuant to Chapter 490, a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, or a psychiatric nurse as defined in section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 80 or classification as “Educible Mentally Handicapped” or

Trainable Mentally Handicapped, a need for intensive mental health treatment, or reveals suicidal risk histories, serious substance abuse histories or indicates high-risk suicidal tendencies or history of self-injurious behavior.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7)(a) FS. History–New 7-1-06.

63EER06-20 Admission Procedures.

(1) Youth will be placed in a STAR program within the judicial circuit they were adjudicated in or if there is no STAR program in that circuit, they may be placed in the closest judicial circuit that has a STAR program.

(2) Program directors of STAR programs shall coordinate with the department’s regional commitment management staff the admissions and release of youth to and from the STAR program.

(3) Prior to a youth being transported to the receiving STAR program, the sending region shall ensure the commitment package is in order and contains all required documents, to include but not be limited to:

(a) Department generated facesheet, including youth demographics;

(b) Current commitment order;

(c) Pre-disposition report;

(d) Summary of commitment conference; and

(e) The youth’s individual healthcare record, if it exists from a prior commitment program or detention placement. The following documents shall be included in the individual healthcare record, or in the commitment packet if the individual healthcare record has not been created:

1. Current document indicating parental consent for evaluation and treatment, a signed copy of the department’s Authority for Evaluation and Treatment;

2. Comprehensive physical assessment and EKG report;

3. Hard copy immunization records; and

4. Tuberculosis skin test results, unless contraindicated.

(4) The STAR program shall conduct a physical examination and substance abuse screening test during admission.

(5) STAR program directors shall ensure that program staff make diligent efforts to notify the parents or guardians within 24 hours of a youth’s admission into the program. Attempts to contact the family shall be documented. If contact is not made within 48 hours, the program staff shall request the youth’s Juvenile Probation Officer to make the contact. In

addition, a letter signed by the program director shall be sent to the parents or guardians within 48 hours of the youth's arrival at the program. The letter shall include:

(a) A description of the individual program and its special characteristics including program rules, visiting procedures and telephone procedures; and

(b) A request that the parents or guardians provide medical/dental history for the youth.

(6) Committing judges shall be sent a letter within five days of a youth's arrival indicating the youth's admission.

(7) The probation officer and Post-residential Services Counselor shall be notified in writing within five days of a youth's arrival.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(2), (7) FS. History--New 7-1-06.

63EER06-21 Program Orientation.

(1) The STAR program shall conduct orientation for youth admitted to the program.

(2) The program orientation shall include, but not be limited to the following:

(a) A program daily schedule;

(b) A written, easily understandable statement, and a verbal description of their rights and grievance procedures, including how to report abuse;

(c) An introduction to the STAR program concept;

(d) Explanation of program rules, disciplinary procedures and consequences, which result from the violation of program rules;

(e) A review of dress code, hygiene and grooming requirements; and

(f) Explanation of sick call procedures and access to health care services, including health care in emergency situations.

(3) Program orientation and receipt of rules shall be documented with signatures of both the youth and staff.

(4) The signed copy of the orientation and rules receipt shall be placed in the youth's file and a copy given to the youth to be kept in his possession.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3) FS. History--New 7-1-06.

63EER06-22 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision-making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with moral thinking, beliefs and values;

(e) Mental Health and Substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services;

(f) Health care services, sick call and acute and chronic medical treatment provided by a physician (M.D., D.O.) licensed under Chapter 458 or 459, F.S., or a physician, an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, or a licensed Registered Nurse; and

(g) Conditional release assessments and services for each youth, providing for the youth's transition back to his or her home community.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (4) FS. History--New 7-1-06.

63EER06-23 Behavior Management.

(1) The program's behavior management system shall be clear, emphasizing youth rights, encouraging pro-social behaviors and consequences for violations. The behavior management system shall provide a system of privileges and consequences to encourage youth to fulfill programmatic expectations.

(2) The behavior management system shall clearly state the consequences for violation of program rules. The youth shall have the opportunity to present an explanation of the questionable behavior for which behavioral consequences are being considered. Consequences shall have a direct correlation to the inappropriate behavior exhibited. It shall be clear to the youth that the corrective action taken is a logical consequence of his or her behavior. Behavior management consequences are limited to the following:

(a) Privilege suspension:

1. Privilege suspension includes denial of the use of the telephone, home visits, recreation or other special activities outside the program and in accordance with the program's written procedures. Withholding of telephone and visitation privileges shall not include depriving a youth's access to his attorney, law enforcement, a representative of the clergy, the department's Central Communications Center, Department of Children and Families' Abuse Registry or the Inspector General's Office.

2. Prior to any youth having a privilege suspended, the youth shall have the reason(s) for the suspension explained to him or her.

3. Privilege suspension shall not include the withholding of regular meals, clothing, sleep, health care services, school, exercise, correspondence privileges, or legal assistance.

4. All instances of privilege suspension shall be documented in the program logbook, dated and signed by the staff implementing the discipline procedure, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(b) Alternative training. Alternative training measures shall be applied on a consistent basis as a behavior management tool, and shall be proportionate to the importance of the rule violation. The youth's rights shall be protected at all times during alternative training. Alternative training measures shall be documented and reviewed by the program director or designee. Any staff member of the STAR program has the authority to implement the following alternative training measures to youth:

1. Extra duty assignments;
2. Extra physical exercise; and
3. Verbal counseling directed at changing the youth's inappropriate behavior.

(c) Program restriction.

1. Program restriction is the loss of the earned privilege of leaving the program grounds for the purpose of participating in community activities except as it would restrict exercise of client rights such as school, church, health and exercise needs.

2. Prior to any youth being placed on program restriction the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Program restriction shall not exceed 30 days.

4. All instances of program restriction shall be documented in the program logbook, dated and signed by the staff implementing the restriction, with the program logbook to be reviewed and signed by supervisory staff at least on a daily basis.

(d) Room restriction.

1. Room restriction is the restriction of a youth to his room or other area designated by the program director to protect the safety of the youth. Room restriction shall be used only when a youth is dangerous to self or others or there is substantial evidence to indicate the youth is about to escape. The use of room restriction shall serve only a "cooling off" purpose and shall not exceed four hours.

2. Prior to a youth being placed on room restriction, the youth shall have the reason(s) for the restriction explained to him. The youth shall also be given an opportunity to explain his or her behavior.

3. Meals, clothing, sleep, health care, religious needs, or staff assistance shall not be denied to a youth on room restriction.

4. The staff member placing the youth on room restriction shall document the justification for room restriction.

5. When a youth is placed on room restriction, the staff member shall talk with the youth at least every 30 minutes in order to evaluate the need for continued restriction.

6. Youth on room restriction shall be visually observed (in person) by a staff member at least every 10 minutes.

7. Youth who have been assessed to be at risk of suicide shall be provided with continual sight and sound supervision and shall be referred for a mental health evaluation immediately.

8. Staff observations and contacts with the youth shall be documented, dated, and signed by the staff imposing the restriction.

(3) The use of harmful psychological intimidation techniques is prohibited in the STAR program.

(a) For the purpose of this section, the term "harmful psychological intimidation techniques" includes the following actions when intentionally used as a therapeutic or training technique or as a means to encourage compliance with program requirements:

1. The threat of physical force or violence;
2. An intentional effort to humiliate or embarrass a youth;
3. An intentional effort to diminish a youth's self-confidence or otherwise psychologically break a youth's will; or
4. Any action that would be considered child abuse or neglect under Chapter 39 or 827, F.S.

(b) The term "harmful psychological intimidation techniques" does not include the following actions:

1. Direct and forceful communication to a youth of program requirements or legitimate performance expectations prior to or during participation in program activities, including positive, active encouragement of youth engaged in physical training exercises.

2. Communication necessary to inform a youth of noncompliance with program requirements or appropriate actions to remediate such noncompliance.

3. Communication necessary to inform a youth of poor performance or appropriate actions to remediate such poor performance.

4. Communications or other actions necessary to maintain order or safety in the program.

5. Any lawful and reasonable communications that are permissible for parents, other juvenile justice programs, school officials, or other adults who have custody of or supervisory responsibilities for youth.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3), (7) FS. History--New 7-1-06.

63EER06-24 Operational Inspections.

(1) All STAR programs, whether operated by the department, county or municipal government, shall be inspected quarterly during the first year of operations by the department to determine operational compliance. Thereafter, if the program met the minimum thresholds, defined as at least a 60 percent overall program performance rating in the department's Quality Assurance evaluation system, during the most recent evaluation, the program shall be evaluated at least once annually.

(2) If a STAR program fails to meet the minimum thresholds, the department shall cancel the contract for the program:

(a) Immediately if the program has a deficiency in a critical life safety aspect of its operations or has failed to train its staff as required.

(b) Within three months if the program fails to achieve compliance with the minimum thresholds, unless there are documented extenuating circumstances.

(3) Upon cancellation of a STAR program contract under the provisions of this section, the program's operations shall immediately cease and the department shall immediately discontinue any state payments to the program.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(8) FS. History--New 7-1-06.

63EER06-25 Program Administration.

(1) The program's administration shall include, but are not limited to:

(a) Rule and contract compliance:

1. The inspection/evaluation shall include operational compliance with admission criteria and screening, behavior management sanctions and privileges.

2. A contractual STAR program will comply with the terms and conditions as identified in the contract.

(b) Safety and security:

1. The STAR program shall ensure the safety and security of staff and youth, conduct security inspections and checks, and provide preventive maintenance and control of safety and security equipment.

2. The program shall develop escape prevention and escape response plans.

3. Youth at the program shall be interviewed regarding their safety and security at the program. The interviews shall include: availability of services, abuse allegations, grievances, access to treatment services, and overall treatment.

4. Departmental staff shall meet with STAR program directors to review Protective Action Response reports for trends and conditions that would indicate staff are engaging in excessive or inappropriate use of force.

(c) Treatment:

1. The STAR program shall provide youth treatment and activities, youth work assignments, physical training, delivery of specialized treatment services, and youth case management.

2. The program shall provide for visitation and family involvement, correspondence and telephone communications for the youth in the program.

3. The program shall include academic and vocational activities, life and job skills, and appropriate decision making training for the youth.

(d) Behavior management:

1. The program shall implement a behavior management system, which includes consequences, sanctions and privileges for youth.

2. The behavior management system shall not deny a youth meals, clothing, sleep, education, exercise or physical and mental health services.

(e) Medical:

1. The program shall implement access to and the delivery of medical, substance abuse and mental health services and assessments.

2. The program shall have a written suicide prevention and suicide response plan.

3. The program shall have a designated health authority, defined as the physician (M.D. or D.O. licensed pursuant to Chapter 458 or 459, F.S.) who comes on site weekly.

4. The program shall provide for medication storage, medical documentation, medication monitoring and distribution; sick call and medical appointments; "medical and mental health alerts"; management of health and mental health records and information; and control of infectious and communicable diseases.

5. Anytime the health care staff determines that the health or physical safety of a youth has been compromised or is potentially compromised, they shall remove the youth from all physical activities without prior approval from program staff. Health care staff shall intervene anytime a youth indicates that he or she is in pain and unable to perform as instructed. If the health care staff cannot determine the cause of the pain or discomfort the youth should be immediately transported to the emergency room.

6. Health care services must be provided daily from 7:00 a.m. to 9:00 p.m. by a Registered Nurse licensed under Chapter 464, F.S., and 24-7 on-call access to a medical professional (Physician or ARNP) must be available at all other times.

7. All STAR program staff shall be CPR and First Aid certified.

8. All STAR programs shall have Automated External Defibrillators (AEDs) on site within 12 months of opening and at least one staff person on every shift shall be AED certified.

(f) Administration.

1. The program shall have a written mission statement.



2. The program shall require the prominent display of the telephone number of the statewide abuse registry and the department's Central Communication Center and for immediate access by youth in the program, upon request, to a telephone for the purpose of contacting the statewide abuse registry, the public defender's office, his or her attorney, or a law enforcement agency.

(2) All usage of PAR must be documented in accordance with the PAR Emergency Rule 63HER06-7.

(3) All alleged violations of PAR shall be reviewed by the department's Inspector General.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(3)-(5), (7), (9) FS. History--New 7-1-06.

#### 63EER06-26 Staff Training Requirements.

(1) All STAR program staff must complete, at a minimum, the following training requirements within 90 calendar days of that staff person's hiring date:

(a) Administrative staff must successfully compete 120 contact hours of Department approved training.

(b) Direct care staff who are Criminal Justice Standards and Training Commission (CJSTC) certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., will adhere to the requirements set forth in Emergency Rule 63HER06-16.

(c) Direct care staff who are not certified correctional, correctional probation or law enforcement officers under Chapter 943 are to be certified in Protective Action Response and to successfully complete 200 contact hours of department approved training, which must include, but not be limited to:

1. State and federal laws relating to child abuse;
2. Adolescent Behavior;
3. Behavior Management;
4. Mental Health issues;
5. Suicide Prevention;
6. Health Care;
7. Communication Skills-Interpersonal and Verbal De-escalation skills;
8. Human Diversity;
9. Cardiopulmonary resuscitation (CPR)/First Aid certification;
10. Safety;
11. Security; and
12. Emergency Procedures.

(2) All Department approved training courses must be taught by one or more persons who are certified as, or who have completed the necessary education and training to be, an instructor for the course being taught. A training course in counseling techniques must be taught by a person who has at least a bachelor's degree in social work, counseling, psychology or a related field.

(3) Prior to successful completion of these training requirements, a STAR program direct care staff must be directly supervised by a person who has successfully completed the training requirements in this section.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(6), (9) FS. History--New 7-1-06.

#### 63EER06-27 Youth Release or Transfer.

(1) The program shall have requirements for notifying the department and for the removal of a youth from the program if the youth becomes unmanageable or ineligible for the program due to changes in his or her physical, psychological or substance abuse profile. Preliminary notification to the department shall occur immediately if a youth has a change in status (physical or mental health) that warrants a:

- (a) Referral to a medical specialist;
- (b) Referral offsite for any imaging other than an x-ray;
- (c) Surgical procedures; or
- (d) Involuntary Commitment (Baker Act).

(2) Prior to the release or transfer of a youth from the STAR program, the youth:

(a) Must have a physical examination performed by a licensed physician or a licensed and certified Advanced Registered Nurse Practitioner. Any evidence of abuse as defined in Section 39.01(2), F.S., must be documented and immediately reported by the examiner to the statewide abuse registry and the department.

(b) Must sign an exit statement upon transfer from the residential component to the aftercare component indicating whether his or her rights were observed and whether he or she was subjected to any abuse or harmful psychological intimidation techniques. Any allegation by the youth that:

1. He or she was subjected to abuse while in the STAR program must be investigated by the department and the Department of Children and Family Services under Section 39.302, F.S.

2. His or her rights were not observed or that he or she was subjected to harmful psychological intimidation techniques or to violations of the department's Protective Action Response rule must be investigated by the department's Inspector General.

(c) The STAR program shall deliver a copy of each youth's exit statement at the time it is executed to:

1. The department either by facsimile or electronic mail.
2. The statewide abuse registry if it contains any allegation of abuse as defined in Section 39.01(2), F.S.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.3091, 985.405 FS. Law Implemented 985.3091(7), (10) FS. History--New 7-1-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.  
EFFECTIVE DATE: July 1, 2006

**DEPARTMENT OF JUVENILE JUSTICE**

**Staff Training**

RULE NOS.:	RULE TITLES:
63HER06-1	Purpose and Scope
63HER06-2	Definitions
63HER06-3	Authorized Levels of Response
63HER06-4	Authorized Techniques
63HER06-5	Authorized Mechanical Restraints
63HER06-6	Supervision of Youth in Mechanical Restraints
63HER06-7	Documentation and Retention of Records
63HER06-8	Medical Requirements for Training Certification
63HER06-9	Cross-Over Training
63HER06-10	Rehired Employee Training
63HER06-11	Annual Training Requirement
63HER06-12	Testing Requirements
63HER06-13	Training Instructor Qualifications
63HER06-14	Training Instructor Certification Renewal
63HER06-15	Law Enforcement Operations and Partnerships

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE: The 2006 Legislature passed House Bill 5019, which became law on May 31, 2006, as chapter 2006-62, Laws of Florida. The law establishes Sheriff’s Training and Respect (STAR) programs beginning on the July 1, 2006 effective date. The law requires the programs to follow the Department of Juvenile Justice’s Protective Action Response (PAR) policy established by Department rule. Required rules must be in place by the July 1, 2006 effective date, and the Department is specifically authorized to adopt emergency rules for this purpose.

REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: There is approximately one month between the passage of the law and its July 1 effective date, which marks the opening of the programs, and at which time the Department must have its emergency rules in place. The Department was in contact with its law enforcement partners throughout the drafting process. A draft rule was prepared, which was posted on the Department’s website on June 9, 2006. The same day, a public hearing on the draft rule was noticed in the Florida Administrative Weekly, to be held at the Department’s Tallahassee Headquarters on June 16, 2006. The hearing was held, and revisions to the draft rule were incorporated. The final draft will be posted on the Department’s website prior to its publication on June 30, 2006.

SUMMARY OF THE RULE: These sixteen rule sections establish Protective Action Response (PAR) as the only authorized verbal and physical intervention program to be trained and utilized by direct care staff in state operated or contracted facilities and programs, including those such as STAR programs which are operated by law enforcement under contract with the Department. The rule defines PAR interventions including the use of mechanical restraints, and establishes PAR training and curriculum.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100, phone number (850)921-4116

THE FULL TEXT OF THE EMERGENCY RULE IS:

63HER06-1 Purpose and Scope.

This rule establishes a statewide framework to implement procedures governing the use of verbal and physical intervention techniques and mechanical restraints. Protective Action Response, as authorized by the Department, shall be the only verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted (including law enforcement operated) facilities and programs.  
EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New 7-1-06.

63HER06-2 Definitions.

(1) Active Resistance – Youth makes physically evasive movements to defeat an employee’s attempts to control; for example, bracing, tensing, and attempting to push or pull away from an employee.

(2) Actively Engaged – An employee is participating in the practical performance or application of any one of the approved physical intervention techniques or mechanical restraints.

(3) Administrator – One whose primary responsibility is overseeing the daily operations of a facility, program or probation circuit.

(4) Aggravated Resistance – Youth makes overt, hostile, attacking movements with or without a weapon with the apparent intent and apparent ability to cause death or great bodily harm to the employee, self, or others; for example, striking with a stick, banging head against the wall, or swinging a razor blade.

(5) CJSTC – Criminal Justice Standards and Training Commission.

(6) Combative Resistance – Youth makes overt, hostile, attacking movements that may cause injury; for example, slapping, pushing, or charging.

(7) Control Techniques – Techniques used to control and/or move a youth from point A to point B with minimum effort by the employee in order to gain and retain control over the youth.

(8) Countermoves – Techniques that impede a youth's movement toward an employee or others; for example, blocking, distracting, evading, redirecting, or avoiding.

(9) Designated Health Authority – This individual is responsible for the provision of necessary and appropriate health care to youth in the physical custody of a secure detention center or residential/correctional facility. An individual designated health authority must be a physician (MD) or osteopathic physician (DO) who holds an active license (pursuant to Chapter 458 or Chapter 459, Florida Statutes, respectively) and who meets all requirements to practice independently in the State of Florida.

(10) Dialogue – A two-way, controlled, non-emotional communication between the employee and the youth aimed at problem identification and/or resolution.

(11) Direct Care – State or contracted employees who have direct contact with youth and whose duties include providing the immediate care, supervision, custody, case management, or control of youth.

(12) Facility – A contracted or state-operated staff-secure or physically secure environment that provides custody, care, and confinement of youth alleged or found to have committed a violation of law. This includes, but is not exclusively limited to, secure detention, consequence units, law enforcement operated facilities, and residential commitment programs.

(13) Facility Employee – Any employee who exercises direct care in a state-operated or contracted residential or detention facility.

(14) Hard Mechanical Restraints – Restraint devices constructed from inflexible material; for example, metal handcuffs, leg cuffs, and waist chains.

(15) Individual Health Care Record – The compilation of all records related to a youth's medical, dental and mental health.

(16) Master PAR Instructor – An advanced qualified instructor who assists Protective Action Response (PAR) trainers in maintaining quality delivery of PAR training and evaluation for PAR certification.

(17) Mechanical Restraints – This includes hard and soft mechanical restraints as defined in this rule.

(18) Mechanical Restraints Supervision Log – The form used to document an employee's use of mechanical restraints as a result of a Level 3 response.

(19) Medical Release – A form signed and dated by a licensed physician that authorizes an employee to perform the physical intervention techniques that were checked on the Medical Status form.

(20) Medical Status – A form signed and dated by a licensed physician that identifies the physical intervention techniques listed on the applicable PAR Training Plan an employee cannot perform and why.

(21) PAR Medical Review – The review deemed necessary as a result of the Post PAR Interview.

(22) Passive Resistance – The youth physically refuses to comply or respond. The youth does not attempt to physically defeat the actions of the employee but forces an employee to use physical maneuvers to establish control.

(23) Post PAR Interview – The interview conducted by the designated health authority or designee following a Level 2 or Level 3 response.

(24) Program – A contracted or state-operated non-residential environment providing supervision of youth who have been identified to receive services within the community. This includes, but is not exclusively limited to, non-secure detention, home detention, juvenile assessment centers, Intensive Delinquency Diversion Services (IDDS) programs, conditional release programs, screening and intake units, and day treatment programs.

(25) Program Employee – Any employee who exercises direct care for a state-operated non-residential or contracted program.

(26) Protective Action Response (PAR) – The department-approved verbal and physical intervention techniques and the application of mechanical restraints used in accordance with this rule, the Protective Action Response Escalation Matrix, and PAR training curricula.

(27) Protective Action Response Certification – This applies to an employee who has successfully completed PAR training as described in this rule. Only employees who are PAR certified are authorized to use PAR.

(28) Protective Action Response Escalation Matrix – This document provides guidance as to the authorized level of response based upon the youth's level of resistance.

(29) Protective Action Response Incident Report – The form used to document the occurrence of an event where an employee has used one of the enumerated physical intervention techniques.

(30) Protective Action Response Performance Evaluation – This document is used to measure an employee's or PAR Instructor's ability to perform verbal and physical intervention techniques and apply mechanical restraints.

(31) Protective Action Response Training Plan – This identifies the specific techniques that program and facility employees shall be trained to use. The identified techniques are the only techniques employees are authorized to use.

(32) Soft Mechanical Restraints – Restraint devices that are made with flexible materials; for example, Velcro, nylon flex cuffs (also known as zip cuffs), and leather.

(33) Takedowns – Techniques that redirect a youth to the ground in a controlled manner in order to limit the youth’s physical resistance and to facilitate the application of a restraint device, if needed.

(34) Touch – Employee uses a familiar touch when directing, or a custodial touch prior to escalating to a higher level of force.

(35) Verbal Directions – Employee tells or commands a youth to engage in, or refrain from, a specific action or non-action.

(36) Verbal Resistance – Youth verbally refuses to comply with an employee’s verbal attempts to control the situation. Youth may threaten employee with further resistance.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055 FS. History–New 7-1-06.

#### 63HER06-3 Authorized Levels of Response.

(1) LEVEL 1 RESPONSE – This level of employee response consists of verbal intervention techniques and shall be utilized in response to all levels of resistance by the youth. Verbal intervention techniques shall be the initial response by an employee to resistance by a youth except where physical intervention techniques are necessary to prevent: physical harm to the youth, employee or another person; property damage; or the youth escaping or absconding from lawful supervision.

(2) LEVEL 2 RESPONSE – In this level of response, verbal attempts to diffuse a youth or situation have been exhausted, and the youth has initiated passive, active, combative, or aggravated resistance. Physical intervention techniques may encompass the use of touch, countermoves, control techniques, or takedowns as described in Rule 63HER06-4.

(3) LEVEL 3 RESPONSE – This level of response involves the use of mechanical restraints. The use of mechanical restraints is authorized in situations where a youth has initiated active, combative, or aggravated resistance, and in situations where a youth poses a physical threat to self, employees, or others. See Rules 63HER06-5, -6 and -7 for an explanation of duties and responsibilities when using mechanical restraints. See Rule 63HER06-4 for a description of authorized mechanical restraint techniques for facility employees.

(4) All responses shall be commensurate with the youth’s level of resistance according to the PAR Escalation Matrix and this rule. The PAR Escalation Matrix (revised 6/01/06) is incorporated by reference, and is available at the Department’s Web site (<http://www.djj.state.fl.us>).

(a) Additionally, responses shall only be used when reasonably necessary to control youth and only after all reasonable alternatives have been exhausted, including verbal

persuasion, warnings, and verbal intervention techniques; or when the alternatives are considered inappropriate due to the rapid escalation of dangerous behavior.

(b) Prior authorization for the use of physical intervention techniques and mechanical restraints shall be obtained from the supervisor or acting supervisor unless doing so could result in physical harm to the youth, employee or another person, property damage, or the youth escaping or absconding from lawful supervision.

(c) PAR certified employees shall immediately report the following intervention actions to their immediate supervisor or acting supervisor and these incidents shall be documented per Rule 63HER06-7:

1. Level 2 responses including counter moves, control techniques, and takedowns.

2. Level 3 applications of soft or hard mechanical restraints.

(d) In the event a youth is armed with a weapon and there is imminent danger of bodily harm or death, facility and program employees shall immediately request emergency assistance from local law enforcement, and if possible, isolate or contain the youth.

(e) If a youth is in the process of inflicting grave bodily harm, or possible death, upon others or self, facility and program employees shall immediately contact law enforcement. Employees are authorized to use reasonable and necessary means to stabilize the situation even if they fall beyond the scope of PAR.

(5) This rule prohibits the use of:

(a) A Taser on a youth, and

(b) Aerosol or chemical agents, including but not limited to oleoresin capsicum spray and ammonia capsules, unless required for medical treatment of the youth by a licensed medical professional.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History–New 7-1-06.

#### 63HER06-4 Authorized Techniques.

(1) Protective Action Response, as authorized by the Department, shall be the only verbal and physical intervention program trained and utilized by direct care staff in state-operated and contracted (including law enforcement operated) facilities and programs.

(2) Existing contracted facilities shall submit a new PAR Training Plan to the Assistant Secretary of Staff Development and Training or designee through the department’s Regional Director or designee within 60 calendar days of the effective date of this rule, and after this training plan is submitted, within 30 calendar days of any changes to the training plan. Newly contracted facilities, except contracted Detention facilities, shall submit their PAR Training Plan as described above no

less than 30 calendar days prior to becoming operational. The PAR Training Plan for contracted facility employees shall specify the following:

(a) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) At a minimum, one (1) Touch technique.

(d) At a minimum, three (3) Control techniques.

(e) At a minimum, three (3) Takedown techniques.

(f) At a minimum, the following Mechanical Restraints: standing front handcuffing and uncuffing, one (1) rear handcuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall).

(g) Searches.

(h) The Wrap Around Control technique, and the Wrap Around to a Takedown technique will not be used on pregnant youth.

(3) Contracted Detention facilities shall comply with the PAR Training Plan for State-Operated/Contracted Detention Facility Employees.

(4) The PAR Training Plan for State-Operated, Law Enforcement Operated, and Contracted Detention employees shall specify the following:

(a) All Stance and Body Movement techniques.

(b) All Countermoves.

(c) Searches.

(d) The Straight Arm Escort – Extended and Close Positions.

(e) All Control techniques, Supportive Hold Control.

(f) All Takedowns, except Wrap-Around to a Single Person Takedown, Wrap-Around to a Team Takedown, and Stages 4 and 5 of Supportive Hold to a Takedown.

(g) Handcuffs and Leg Cuffs.

(h) The Wrap Around Control technique will not be used on pregnant youth.

(5) The PAR Training Plan for Program employees shall specify:

(a) All Stance and Body Movement techniques; and

(b) All Countermoves;

(6) PAR certified facility and program employees shall only use the techniques and mechanical restraints that are specified on the applicable PAR Training Plan.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History—New 7-1-06.

63HER06-5 Authorized Mechanical Restraints.

(1) The Department authorizes the use of only those mechanical restraints addressed in this rule. All mechanical restraints shall be designed and manufactured for the specific purpose of secure transport or restraint.

(a) Authorized mechanical restraints to be used within a facility are as follows: handcuffs, leg restraints, restraint belt, soft restraints, and waist chains.

1. Handcuffs. The availability and versatility of handcuffs make their use practical in most restraint situations. Handcuffs are light, flexible, and easy to apply. Standard handcuffs, used by most law enforcement agencies, are approved for use.

2. Restraint Belt. A restraint belt may be used with handcuffs when added security is needed. The restraint belt is a leather or nylon belt that is secured behind the back of the youth with an independent lock, buckle, or Velcro fastener. The belt is fashioned so that handcuffs secured to the front of the belt provide an alternative to restraining a youth's hands in the behind-the-back position.

3. Leg restraints. Leg restraints are similar to handcuffs, but usually have a 15-inch chain separating the restraints. Leg restraints are typically used in conjunction with handcuffs to restrict the movement of the feet and legs.

4. Soft restraints. Soft restraints, such as nylon flex cuffs (also known as zip cuffs), or Velcro or leather devices, are authorized for use as an alternative to hard restraints.

5. Waist chains. Waist chains are designed to limit arm movement and keep hands visible at all times by securing them at the youth's waist. Waist chains are typically used only for transportation. There are two basic types: a nickel plated chain, usually 60 inches long with a sturdy cuff clip to permit quick attachment of handcuffs; or a similar chain with handcuffs permanently attached.

(b) The use of mechanical restraints, and the circumstances surrounding their use, shall be carefully reviewed and regularly monitored by the regional office to ensure compliance with this rule.

(c) Mechanical restraints are authorized for use during the movement of youth.

(d) There are two authorized methods to use when handcuffing a youth: hands in front of the youth, and hands behind the youth's back.

(e) All facilities, except low and moderate risk facilities, shall use mechanical restraints to transport youth. Leg restraints and front handcuffing shall be used to transport. Low and moderate risk facilities shall use mechanical restraints to transport youth when a risk assessment as described in their facility operating procedures determines mechanical restraints are required.

(f) Prohibited use of mechanical restraints includes the use of neck restraints and the securing of youth to a fixed object.

(g) No more than two youth may be chained or handcuffed together.

(h) A youth's legs and hands may be secured together in the front with the use of waist chains or a restraint belt, in which case the length of the chain securing the youth's legs and

hands together shall not prohibit the youth from standing in a full upright position. Securing a youth's legs and hands together behind the youth's back is prohibited.

(i) If handcuffs are used on pregnant youth, they shall be cuffed in front. Leg restraints, waist chains, and the restraint belt shall not be used on pregnant youth.

(j) Except as provided herein, during transports all violent and escape risk youth shall be handcuffed with their hands in front with the use of a restraint belt or waist chains; or the hands shall be cuffed behind the back.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

#### 63HER06-6 Supervision of Youth in Mechanical Restraints.

(1) Youth secured in mechanical restraints as a result of a Level 3 response shall be supervised in accordance with this section.

(2) At no time will a youth be left without constant, full, and direct visual supervision by an employee. The youth shall not be placed in an upper bunk or in any position that does not permit constant, full, and direct visual supervision. Youth shall not be stripped of their clothing.

(3) Employees responsible for providing constant, full, and direct visual supervision shall have physical possession of the key to unlock the mechanical restraints.

(4) While a youth is placed in mechanical restraints, employees shall:

(a) Employ verbal intervention techniques designed to de-escalate the need for mechanical restraints.

(b) Continually monitor the youth's level of resistance, aggressiveness, and willingness to comply with instructions to determine whether removal of restraints is safe and advisable.

(c) Conduct breathing and circulation checks at ten-minute intervals. These ten-minute checks shall be documented on the Mechanical Restraints Supervision Log. The Mechanical Restraints Supervision Log (revised 6/1/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(5) If a restrained youth continues to exhibit negative, hostile, and/or aggressive behavior so that removal of mechanical restraints is unsafe, the supervisor or acting supervisor shall interview the youth and decide if it is safe to remove the mechanical restraints. This interview shall occur no more than 30 minutes after the youth is placed in restraints. If it is decided that it is unsafe to remove the restraints, the supervisor or acting supervisor shall document the decision on the Mechanical Restraints Supervision Log. If authorization is obtained from the Superintendent, Residential Program Director, or designee to continue the use of restraints, another interview shall occur no more than one (1) hour after the

previous interview. Each time the decision is made that it is unsafe to remove the restraints, the decision shall be documented as described above.

#### (6) Authorization Requirements.

(a) A youth may remain in mechanical restraints up to 60 minutes with the supervisor's or acting supervisor's authorization.

(b) In order to keep the youth in mechanical restraints for 60 to 120 minutes, the supervisor or acting supervisor shall obtain authorization from the Superintendent, Residential Program Director, or designee who shall first consult with a licensed medical and/or mental health professional before authorizing additional time. This authorization shall be obtained within the initial 60 minute timeframe. This consultation and authorization shall be documented on the Mechanical Restraints Supervision Log by specifying the name of the professional who was consulted, the time contacted, and the amount of time authorized.

(c) In order to keep the youth in mechanical restraints beyond 120 minutes, the same procedures apply as described in paragraph (b) above for each subsequent 60-minute timeframe.

(7) If at any point during the restraint it is determined that transportation to an appropriate treatment center is necessary, the supervisor or acting supervisor shall request verbal authorization from the Superintendent, Residential Program Director, or designee to initiate procedures to transport the youth. This verbal authorization and the time the authorization was received shall be documented on the Mechanical Restraints Supervision Log. The licensed medical or mental health professional may come to the facility or the youth may be transported to an appropriate treatment center.

(8) If a youth is being transported to a mental health facility, the facility shall be telephoned in advance that the youth is being transported.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

#### 63HER06-7 Documentation and Retention of Records.

##### (1) Documentation

(a) A PAR Report shall be completed after an incident involving the use of countermoves, control techniques, takedowns, or application of mechanical restraints.

(b) The employees who were engaged with the youth shall complete the PAR Report and shall complete it no later than the end of the employee's workday.

(c) When mechanical restraints are used, the Mechanical Restraints Supervision Log shall be completed.

##### (2) Review and Retention of Records.

(a) An administrative review of the PAR Incident Report shall occur within 72-hours of the incident, excluding weekends and holidays.

(b) Post PAR Interview: The designated health authority or designee shall interview the youth. The purpose of the interview is to determine whether obvious injuries occurred, if the youth complains of pain, or if the youth exhibits signs or systems, that to a lay person indicate a PAR Medical Review is necessary. The findings of the interview shall be placed in the youth's individual health care record. The document shall be labeled "Post PAR Interview" and shall be dated, timed, and signed by the individual conducting the interview. This individual shall also sign and date the PAR Report.

(c) PAR Medical Review:

1. If the Post PAR Interview indicates the need for a PAR Medical Review the youth shall be referred to an authorized medical health professional.

2. The purpose of the Medical Review is to determine, from a medical perspective, if injuries or complications occurred as a result of the physical intervention or application of mechanical restraints and the youth requires medical treatment.

3. Descriptions of injuries or complications and medical treatment provided shall be filed in the youth's individual health care record.

4. If an onsite review is conducted, the documentation shall be labeled, "PAR Medical Review", and it shall conform to professional standards. If an offsite review is conducted, the youth's individual health care record and medication administration record shall accompany the youth to the review. Prior to placing the documentation in the individual health care record, the top of each page returned by the reviewer shall be dated and labeled, with "PAR Medical Review".

(d) The Post PAR Interview and the PAR Medical Review shall occur after the supervisor or acting supervisor has reviewed the PAR Report and prior to the report being submitted to the Administrator or designee.

(e) The Administrator shall establish and maintain a centralized file, which shall include:

1. PAR Incident Reports, attachments to the PAR Incident Report, and

2. Any other incident reports or investigative reports related to the application of physical intervention techniques and/or mechanical restraints.

3. A copy of the PAR Incident Report shall be placed in the centralized file within 48 hours of being signed by the Administrator.

(f) Facilities/Programs shall retain a copy of the PAR Incident Report for three (3) years following the youth's release.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(a) FS. History--New 7-1-06.

63HER06-8 Medical Requirements for Training.

(1) The following provisions apply to the Medical Status form.

(a) If an employee believes a medical condition exists that will prohibit performance of one or more physical intervention techniques, the employee shall submit the Medical Status form attached to this rule to his or her licensed physician for completion. The Medical Status form (revised 8/15/03) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>). The physician shall specify the date by which he or she anticipates that the employee will be able to perform the techniques or shall specify that the employee is permanently unable to perform the techniques.

(b) The employee's physician shall be provided with a description or a video of the techniques by the employee's facility, program or circuit office.

(c) Upon completion by the physician, the employee shall submit the Medical Status form to the facility Administrator. The Administrator shall review the form on a case-by-case basis. The Administrator shall have the authority to take necessary and appropriate personnel action based upon his or her review of the form or if the Medical Status form is not submitted within a reasonable amount of time.

(d) It shall be the Administrator's discretion as to whether the employee is eligible to attend a PAR training course or sit for the PAR written examination. However, the employee shall not practice or be evaluated on the physical intervention techniques until a Medical Release form is obtained. The Medical Release form (revised 8/15/03) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>). If the employee is registered for a PAR training course, the sending facility/program shall notify the PAR Instructor that the employee is on Medical Status.

(2) Upon expiration of the date specified on the Medical Status form or when an employee is able to perform the specified physical intervention techniques, whichever is earlier, the employee shall submit the Medical Release form attached to this rule to his or her licensed physician for completion. Upon completion by the physician, the employee shall submit the Medical Release form within 10 working days. If a sending facility/program has an employee who previously attended a PAR training course and who was on Medical Status, the facility/program shall notify the PAR Instructor that the employee has been issued a Medical Release and is eligible to practice and be evaluated on the physical intervention techniques.

(3) Medical Status and Medical Release forms, or copies thereof, are confidential records and shall be maintained in accordance with state Personnel rules, or if a contracted facility or program, in accordance with the organization's applicable policy. The Medical Status and Medical Release forms shall not be submitted to the PAR Instructor.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History–New 7-1-06.

63HER06-9 Certification.

(1) Any employee not PAR Certified prior to 7/01/2006 shall be required to become PAR certified by 9/30/2006.

(2) Any employee hired on or after 7/01/2006, has 90 calendar days to become PAR certified.

(3) Any employee who exercises direct care prior to receiving PAR certification must be directly supervised by an employee who is PAR certified.

(4) Employees shall be PAR certified by successfully completing the PAR training designed for facility or program employee, whichever is applicable. Successful completion requires:

(a) Attendance and participation in the training hours specified in the employee’s PAR curriculum. Employees shall participate in the performance of all physical intervention techniques and mechanical restraints being taught during the training session.

(b) A passing score on the PAR written examination.

(c) One-hundred percent (100%) satisfactory performance of the techniques specified on the applicable PAR Performance Evaluation form.

(5) To ensure that all employees are properly observed, are able to receive constructive feedback, and are properly evaluated, the instructor to employee ratio, for employees who are actively engaged, shall be no more than 1:8 during the performance-based segment of a PAR training session. There is no required ratio during the non performance-based segment of a PAR training session.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b), (e) FS. History–New 7-1-06.

63HER06-10 Cross-Over Training.

(1) A PAR certified facility employee who is crossing over to a program position, or vice versa, shall successfully complete, as defined at the beginning of this section, all non-duplicative objectives in the curriculum for facility or program employees, whichever is applicable. Staff Development and Training shall determine the training and testing required for each situation.

(2) When a state-operated or contracted facility hires a PAR certified facility employee who was trained under a different PAR Training Plan, a PAR Instructor shall train and evaluate, at a minimum, the employee’s performance on those techniques that the employee has not been trained to perform. The employee is not required to re-take the written PAR examination. The PAR Instructor shall use the PAR Performance Evaluation for facility employees. If the

employee is unable to perform the new techniques, even after reasonable remediation, the employee is no longer PAR certified.

(3) When a PAR Performance Evaluation is completed for PAR certification or PAR Instructor certification, a copy shall be provided to the exam administrator at the written examination site. For PAR Train-the-Trainer courses, a copy of the PAR Instructor Skills Evaluation form shall also be provided to the exam administrator.

(a) If the PAR Performance Evaluation or PAR Instructor Skills Evaluation form cannot be completed prior to the written examination, it shall be submitted to Staff Development and Training as soon as possible after completion.

(b) The PAR Performance Evaluation shall be submitted for everyone regardless of whether they passed or failed the evaluation or have a Medical Status form.

(4) CJSTC certified employees refer to Emergency Rule 63HER06-16.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History–New 7-1-06.

63HER06-11 Rehired Employee Training.

(1) Employees who terminate their employment with the department or contracted facility or program and are subsequently re-hired shall reinstate their PAR certification by successfully completing PAR training for facility or program employees, whichever is applicable. This paragraph is applicable only if the employee has failed to timely and successfully complete the annual in-service training requirement addressed in this section prior to terminating employment.

(a) If an employee is rehired within 12 calendar months of termination and has successfully completed the required annual in-service requirements, the employee’s PAR Certification is current.

(b) If an employee is rehired after 12 calendar months of termination, the employee must satisfy the following requirements:

1. Attend a minimum of 8 hours of remedial training, and
2. Obtain 100% satisfactory performance of the techniques specified on the employee’s PAR Training Plan using the PAR Performance Evaluation.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History–New 7-1-06.

63HER06-12 Annual Training Requirement.

(1) Program employees shall complete a minimum of four (4) hours of annual training. Facility employees shall complete a minimum of eight (8) hours.

(2) The annual in-service training shall include, at a minimum, the items listed below.



(a) A review of this rule, including revisions, and other facility or program PAR administrative procedures.

(b) How and when to properly complete the PAR Report.

(c) Practice of all physical intervention techniques checked on the applicable PAR Training Plan and, at a minimum, practice of all mechanical restraints used by the facility.

(d) Successful completion of the annual in-service training requires 100 percent attendance and participation in the training program. The training hours do not have to be consecutive.

(3) If a facility or program employee fails to successfully complete this annual in-service training within twelve (12) months of their last PAR Training, they will no longer be authorized to use Level 2 or Level 3 Responses, and must attend a minimum of 8 hours of remedial training, to include one hundred percent satisfactory performance of the techniques specified on the employee's PAR Training Plan using the PAR Performance Evaluation.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(b) FS. History--New 7-1-06.

#### 63HER06-13 Testing Requirements.

(1) If a candidate fails the written examination, they are only required to attend the remedial classroom training.

(2) PAR Instructors shall conduct a practical examination utilizing the applicable PAR Performance Evaluation to evaluate a facility or program employee's ability to perform verbal intervention techniques and the physical intervention techniques and mechanical restraints that are specified on the PAR Training Plan. The PAR Performance Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(a) If a PAR Instructor candidate or facility or program employee fails the PAR Performance Evaluation, the PAR Instructor candidate or employee is considered to only have failed the performance evaluation. Therefore, when remedial training is provided, the PAR Instructor candidate or employee is only required to attend the performance-based segment of the training.

(b) Test candidates shall have no more than three (3) attempts to pass the written exam.

(c) Test candidates shall adhere to the following schedule for second and third attempts to pass the written exam:

1. The second attempt shall occur no less than 15 calendar days before and no more than 45 calendar days after the first attempt.

2. The third attempt shall occur no less than 15 calendar days before and no more than 45 calendar days after the second attempt.

(3) For annual in-service training, use of the PAR Performance Evaluation is not required.

(4) One PAR Performance Evaluation form shall be used for each attempt that a facility or program employee makes to pass the performance evaluation. The term, attempt, is described below.

(a) ATTEMPT 1: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's first attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 1 shall attend remediation on a different date for Attempt 2 and at that time shall be evaluated on the failed techniques.

(b) ATTEMPT 2: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employees on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's second attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques. An employee who fails four (4) or more techniques on Attempt 2 shall attend remediation on a different date for Attempt 3 and at that time shall be evaluated on the failed techniques.

(c) ATTEMPT 3: If an employee fails one (1) to three (3) techniques, the PAR Instructor shall remediate and re-evaluate the employee on the failed techniques. Upon conclusion of the employee's performance of the remediated techniques, this shall be the employee's third attempt at passing the evaluation. If the employee fails to satisfactorily demonstrate the failed techniques after remediation, the employee is considered to have failed his or her third attempt. An employee who fails four (4) or more techniques on Attempt 3 shall not have an opportunity to receive remediation and is considered to have failed his or her third attempt.

(5) Program employees shall be evaluated, using the PAR Performance Evaluation for Program employees, on all physical intervention techniques that are specified in the PAR Training Plan for Program employees.

(6) State-Operated facility employees and contracted detention facility employees shall be evaluated, using the PAR Performance Evaluation for State-Operated/Contracted Detention Facility employees, on various physical intervention techniques specified on the PAR Training Plan for State-Operated/Contracted Detention Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) The Straight Arm Escort – Extended and Close Positions;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include front handcuffing and uncuffing, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

(7) Contracted facility employees, except contracted detention facility employees, shall be evaluated using the PAR Performance Evaluation for Contracted Facility employees, on various physical intervention techniques specified on the employee's PAR Training Plan for Contracted Facility employees, using the following guidelines:

(a) All Stance and Body Movement techniques;

(b) All Countermoves;

(c) One (1) Touch technique, as selected by the employee;

(d) Three (3) Control techniques, as selected by the employee;

(e) Three (3) Takedown techniques, as selected by the employee;

(f) Three Mechanical Restraint techniques, as selected by the employee. The techniques selected shall include one (1) front handcuffing and uncuffing technique, one (1) rear handcuffing and uncuffing technique (standing or prone), and one (1) leg cuffing and uncuffing technique (kneeling position or hands on wall); and

(g) Searches.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 F.S. Law Implemented 985.4055(2)(b) FS. History–New 7-1-06.

63HER06-14 Training Instructor Qualifications.

(1) PAR Instructor Candidate requirements:

(a) One year of experience, working full time, in the juvenile justice or related field;

(b) PAR certification;

(c) Criminal Justice Standards & Training Commission Instructor Techniques Workshop (ITW) certified; and

(d) Successful completion of the PAR Train-the-Trainer course. An instructor candidate shall be allowed to attend a PAR Train-the-Trainer course only if he or she has achieved the requirements in paragraphs (a), (b), and (c).

(e) PAR Instructor candidates shall demonstrate proficiency for all physical intervention techniques and mechanical restraints listed on the PAR Performance Evaluation form. In addition, the Instructor candidate must

demonstrate the ability to verbally communicate how the techniques are to be performed. The demonstration shall be evaluated by one Master PAR Instructor and one PAR Instructor.

(f) Satisfactory demonstration of presentation skills using the PAR Instructor Skills Evaluation form. The PAR Instructor Skills Evaluation form (revised 6/01/06) is incorporated by reference, and is available at the Department's Web site (<http://www.djj.state.fl.us>).

(3) A score of 85 percent or higher on the PAR written examination. The instructor candidate shall have two attempts to pass the examination.

(4) One PAR Performance Evaluation for PAR Instructors form shall be used for each attempt that the instructor candidate makes to pass the performance evaluation. The instructor candidate shall have two attempts to pass the evaluation. An attempt is the completion of one PAR Performance Evaluation form.

(a) If remediation is required, the Master PAR Instructor shall have the discretion to determine whether remediation will be conducted on-site or at a future date. If remediation occurs at a future date, the instructor candidate shall be evaluated, at the second attempt, on all techniques initially evaluated.

(b) If the instructor candidate fails the second attempt, he or she shall not be certified as a PAR Instructor. However, this candidate is eligible to attend the PAR Train-the-Trainer course again, provided all other criteria for becoming a PAR Instructor remain current.

(5) Demonstrations of the physical intervention techniques and presentation skills shall be videotaped. The videotapes shall be given to Staff Development and Training within thirty (30) working days after completion of the evaluations.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New 7-1-06.

63HER06-15 Training Instructor Certification Renewal.

(1) PAR instructors must conduct 20 hours of PAR training annually to maintain certification. Failure to meet this requirement will necessitate remedial training conducted by a Master PAR instructor.

(2) Instructors must attend and participate in a 16-hour in-service training program once every four years as conducted by a Master PAR Instructor.

(3) Instructors must participate in the review of the PAR policy and demonstration of the physical intervention techniques.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(c) FS. History–New 7-1-06.

63HER06-16 Law Enforcement Operations and Partnerships.

(1) All Law Enforcement/Correction/Detention employees must complete, at a minimum, the following training requirements within 90 calendar days of that employee's hire date:

(a) Direct care employees who are certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to successfully complete PAR Crossover Training for Law Enforcement Personnel. Successful completion requires:

1. Attendance and participation in a minimum of twenty (20) hours of PAR Training.

2. A passing score on the written examination.

3. One-hundred percent (100%) satisfactory performance on the techniques specified on the applicable PAR Performance Evaluation form.

(b) Direct care employees who are not certified correctional, correctional probation or law enforcement officers under Chapter 943, F.S., are to be certified in PAR.

(2) CJSTC certified employees and non-CJSTC certified employees shall adhere to the annual training requirements set forth in 63HER06-12 for facility employees.

(3) With regard to the use of mechanical restraints, reporting requirements and record retention, all Law Enforcement Operations and Partnerships other than those governed by Chapter 63E F.A.C. shall comply with Rules 63HER06-5, -6, and -7.

(4) All Law Enforcement operated facilities or programs shall submit a PAR Training Plan in accordance with Rules 63HER06-4.

(5) Facilities or programs that are required to have PAR certified employees must certify employees within the timeframes set forth herein.

EFFECTIVE DATE: July 1, 2006

Specific Authority 985.4055, 985.405 FS. Law Implemented 985.4055(2)(d) FS. History--New 7-1-06.

THESE EMERGENCY RULES TAKE EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: July 1, 2006

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Washington-Holmes Technical Center on June 2, 2006, a petition for Waiver of paragraph 11B-21.005(8)(c),

F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department permit it to operate with less staff than specified in the rule.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Florida Keys Community College on June 8, 2006, a petition for Waiver of Rule 11B-18.0053, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department permit it to retain Trust Funds expended on a lease purchase item.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye, at the above address, or by calling (850)410-7676.

### DEPARTMENT OF TRANSPORTATION

NOTICE IS HEREBY GIVEN that, on June 21, 2006, the Florida Department of Transportation issued an order denying the Petition of Hillsborough Area Regional Transit, seeking a variance from the provisions of paragraph 14-90.007(3)(a), F.A.C. The Petition was received by the Department on April 13, 2006. The Department published its notice of receipt of the Petition in the April 22, 2006 edition of the Florida Administrative Weekly. Paragraph 14-90.007(3)(a), F.A.C., regulates the minimum curbside mirror height requirements for Type I buses. The Department's order, issued in DOT Case No. 06-032, denied the petition because it did not relate to Type I buses.

A copy of the Department's order may be obtained from: Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, MS 58, Tallahassee, Florida 32399-0458. For additional information, contact: James C. Myers, (850)414-5393.

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

Pursuant to Chapter 2003-145, Laws of Florida, all notices for the Board of Trustees of the Internal Improvement Trust Fund are published on the Internet at the Department of

Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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## WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on June 9, 2006 from Palm Vista Preserve, LLC. Pursuant to Section 120.542, Florida Statutes, Palm Vista Preserve, LLC is seeking a variance from subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005) (A.H.), with respect to Environmental Resource Permit (ERP) Application 4-009-96767-1. The permit applicant is proposing to construct a mixed use development project, known as Palm Vista, and associated roadway improvements in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion. Comments on this petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2006-68.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

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NOTICE IS HEREBY GIVEN that the South Florida Water Management District (SFWMD) Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2006-077-DAO-ROW), on June 14, 2006, to Collier County Transportation Department. The petition for waiver was received by the SFWMD on May 3, 2006. Notice of receipt of the petition requesting the waiver was published in the Florida Administrative Weekly, Vol. 32, No. 20, on May 19, 2006. No public comment was received. This Order provides a waiver for the proposed widening of the existing Tree Farm Road Bridge crossing the C.R. 951 Canal; S26 & 35/T48S/R26E, Collier County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the minimum vertical clearance requirement of pile-supported

crossings within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Collier County Transportation Department from suffering a substantial hardship.

A copy of the Order can be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320, or by e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov)

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on June 8, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from 903 Mills Market located in Orlando. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for fifty (50).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on June 6, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Costello's Catering & Deli located in Sanford. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for thirty (30).

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on May 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and

61C-4.010(6), Florida Administrative Code, from Alquizar Catering #1. The above referenced F.A.C., addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved for the three vehicles and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on May 30, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Alquizar Catering #4. The above referenced F.A.C., addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved June 16, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

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NOTICE IS HEREBY GIVEN that on April 1, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from E&E Catering, Inc. located in Wimauma. The above referenced F.A.C., addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Rhonda Steele, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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NOTICE IS HEREBY GIVEN that on April 1, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from E&E Catering, Inc. located in Wimauma. The above referenced F.A.C., addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved June 16, 2006, and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on each MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on June 13, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Costa Azul Catering located in Fort Pierce. The above referenced F.A.C., addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions

of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 15, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Maw Maw's Country Kitchen located in Sandestin. 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.... . The proposed establishment does not have bathroom facilities for patrons. They are requesting a variance to have a seating capacity of 60 and use public bathroom facilities located in the village of Baytowne Wharf.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance Request for subsection 61C-4.010(7), Florida Administrative Code, from Yummy located in Oakland Park. The above referenced Florida Administrative Code states that each food service establishment must maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to use the one bathroom facility located in the establishment and have seating for twenty (20).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 19, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.0161(2)(c), Florida Administrative Code, from Brevard Zoo located in Melbourne. The above referenced F.A.C. addresses potable water supply and adequate facilities for the disposal of liquid and solid waste. They are requesting a temporary vaiance, four month, to

operate a mobile unit with fresh and wastewater tanks for potable water and sewage disposal until the permanent structure is remodeled.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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#### DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Juan Alberto, D.D.S. The Notice of Petition for Variance was published in Vol. 32, No. 12, of the March 24, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 7, 2006.

The Board's Order, filed on May 4, 2006, grants the Petition for Variance or Waiver, finding that Petitioner has complied with the requirements of Section 120.542(2), Florida Statutes. Specifically, Petitioner has demonstrated how the purpose of the underlying statute would be achieved by other means. Additionally, Petitioner has demonstrated that strict application of the rule would create a substantial hardship or violate principles of fairness. Moreover, Petitioner has complied with Sections 120.542(2), Florida Statutes and subsection 64B5-2.0146(2), Florida Administrative Code. Based upon the foregoing, the Board determined that Petitioner is eligible for a waiver or variance of subsection 64B5-2.0146(2), F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for John T. Bowman, D.M.D., M.D. The Notice of Petition for Variance was published in Vol. 32, No. 11, of the March 17, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 7, 2006. The Board's Order, filed on May 4, 2006, denies the Petition for Variance or Waiver, finding that Petitioner has not met the requirements of subsection 64B5-2.0146(2), Florida Administrative Code. Specifically, Petitioner has failed to demonstrate how the purpose of the underlying rule would be

achieved by other means. Additionally, Petitioner failed to demonstrate that principles of fairness would be violated by denial of the petition and failed to demonstrate that literal application of the rule affects Petitioner in a manner significantly different from other dentists subject to the rule. Moreover, Petitioner failed to demonstrate that application of subsection 64B5-2.0146(2), F.A.C., would create a substantial hardship of the Florida Administrative Code because Petitioner can practice oral surgery as a Florida licensed medical doctor (physician) without being licensed as a dentist pursuant to Section 466.002(1), Florida Statutes. Furthermore, the Board denied the Petition for Variance or Waiver because the Board may not waive or vary from Section 466.06(4), Florida Statutes. Based upon the foregoing, the Board determined that Petitioner is not eligible for a waiver or variance of Rule 64B7-14.005, F.A.C.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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The Board of Dentistry hereby gives notice of the issuance of an Order regarding the Petition for Variance for Bradley T. Piotrowski, D.D.S., M.S.D. The Notice of Petition for Variance was published in Vol. 32, No.14, of the April 7, 2006, Florida Administrative Weekly. The Board considered the Petition at a duly-noticed public meeting held on April 7, 2006.

The Board's Order, filed on June 15, 2006, denies the Petition for Variance or Waiver, finding that Petitioner failed to demonstrate compliance with Section 120.542(2), Florida Statutes. Petitioner failed to demonstrate that application of subsection 64B5-14.0005(2), Florida Administrative Code, would violate principles of fairness. Additionally, Petitioner failed to demonstrate that the purposes of the underlying statute, Section 466.017, Fla. Stat., will be or has been achieved by other means. Furthermore, the Board denied the Petition for Variance or Waiver because the Petitioner failed to demonstrate that application of subsection 64B5-14.005(2), F.A.C., would create a substantial hardship.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

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The Department of Health gives notice that it has granted a petition for variance that was filed on September 9, 2005, by David Squalli, on behalf of ECODAS. The order granting the variance was filed June 13, 2006. Petitioner sought a permanent variance from paragraph 64E-16.002(2)(e), F.A.C., pertaining to the treatment of biomedical waste. For notice of receipt of the petition, see the Florida Administrative Weekly, Vol. 32, No. 6, February 10, 2006. The basis of the approval is an unnecessary hardship to Petitioner for compliance with the requirement set forth in paragraph 64E-16.002(2)(e), F.A.C., requiring biological indicators be placed in specified locations

in packages of untreated biomedical waste for the purpose of demonstrating treatment efficacy upon completion of a treatment cycle. Compliance with this rule would prevent Petitioner from selling their treatment unit in Florida. Petitioner has offered an alternative method that the department has determined meets the intent of paragraph 64E-16.002(2)(e), F.A.C., for demonstrating treatment efficacy.

For a copy of the order granting the petition, contact: Edith Coulter, Department of Health, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin A08, Tallahassee, Florida 32399-1710.

The Department of Health hereby gives notice of the issuance of an Order regarding the Emergency Petition for Variance filed by Susan and Bernard Belanger on behalf of Southern Trails RV Park (Petitioner). The Notice of Emergency Petition for Waiver was filed with the Department May 12, 2006. The Petitioner sought a permanent Variance from subsection 64E-15.005(2), Florida Administrative Code, which requires each RV Park to have toilets, showers, urinals and hand washing fixtures. The Department's Order, filed on June 21, 2005, GRANTS the Petition, finding that an Emergency Variance is warranted on the basis that the underlying purpose of the statutes, as implemented by subsection 64E-15.005(2), Florida Administrative Code, has been met in that Petitioner will so restrict traffic in this park as to only allow self contained recreational vehicles rather than experience the financial hardship of installing the toilets, urinals, showers and handwash fixtures. In addition, the Petition for Emergency Variance is warranted because restricting the opening of the park would be a financial hardship because it is scheduled to open in the height of the RV season.

A copy of the Department's Order may be obtained by contacting the: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703.

NOTICE IS HEREBY GIVEN THAT ON June 19, 2006, the Department of Health, filed an Order disposing of an Emergency Petition for variance from the requirements of paragraph 64E-18.003(3)(a), F.A.C., as filed by D. Andrew Burns, Esq., representing Chris McAllister (Petitioner). The petition was filed with the Department on May 19, 2006, and noticed in the Florida Administrative Weekly on June 2, 2006, in Vol. 32, No. 22.

The Department determined that the Petition was unable to provide specific facts that would demonstrate that Petitioner would suffer an immediate adverse effect unless the Variance was issued more expeditiously than the time frames provided in Section 120.542, FS.

Therefore, the petitioners request for Emergency Petition for Variance was DENIED and the Department will proceed to review the Petition on a non-emergency basis.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850)245-4005.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on June 20, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(14)(m), Florida Administrative Code, from Casa San Juan Bosco, Inc. ("Petition"). The Petition is seeking a waiver of the Rules to allow a change in its funding request.

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** announce the meeting of the Florida Agriculture Center and Horse Park Authority, Inc.

DATE AND TIME: August 1, 2006, 5:00 p.m.

PLACE: On Top of the World Communities, 8413 S. W. 90th Terrace Rd., Ocala, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Florida Agriculture Center and Horse Park Authority, Inc.

If you need special accommodations due to disability or for directions please call: (850)921-1727.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting of the Soil and Water Conservation Council to which all person are invited.

DATE AND TIME: Monday, July 17, 2006, 1:00 p.m.– 4:00 p.m.

PLACE: The Marriott Resort, 400 South Collier Blvd., Marco Island, FL 34145, (800)438-4373

GENERAL SUBJECT MATTER TO BE CONSIDERED: Reports and discussion will include Controlled Release Fertilizers (CRF) recommendations by the Council to the



Commissioner of Agriculture and the sustainability of agriculture in Florida. Presentations on sustainability will be discussed and followed by draft recommendations.

A copy of the agenda or directions may be obtained by contacting the: Office of Agricultural Water Policy, Mail Stop GS-50, 1203 Governors Square Blvd., Ste. 200, Tallahassee, FL 32301. ATTN: Brittany Mayock, (850)617-1711, or Clegg Hooks, (850)617-1700 or Suncom 217-1700.

If an accommodation is needed for a disability in order to participate in this meeting, please notify the Bureau of Personnel Management, Department of Agriculture and Consumer Services, (850)488-1806, at least seven days prior to the meeting.

**DEPARTMENT OF EDUCATION**

The **Gulf Coast Community College District**, Board of Trustees will hold its Monthly meeting as follows: Contact person for the meeting is Dr. Robert L. McSpadden, President.

DATE AND TIME: July 13, 2006, 10:00 a.m. (CST)

PLACE: Third Floor, Seminar Room, Student Union West  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE OF CHANGE – The **Florida Building Commission** announces the following meetings to which all persons are invited. This Notice amends the Notice of Supplemental Rule Development Workshops published on May 19, 2006. As provided below, the Supplemental Rule Development Workshop previously scheduled for 4:00 p.m., on July 11, 2006 shall be held on July 10, 2006 at 3:45 p.m. The meetings will be held at:

PLACE: Hard Rock Hotel, 1 Seminole Way, Hollywood, Florida 33314, (866)502-7529

DATE AND TIME: July 10, 2006, 9:00 a.m.

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 Shipping Lines, 3795 N. W. South River Drive, Miami; Herrle Communications Group, 117 South Gadsden Street, Tallahassee; Seminole Community College, 850 State Road 434, Altamonte Springs; River Town Boat House, 3500 State Road 13 North, St. Augustine; Weston City Hall, 17200 Royal Palm Boulevard, Weston; George Fouke, 505 West New Haven Avenue; Cocoa Beach Jr., Sr. High School, 1500 Minutemen Causeway, Cocoa Beach; Titusville High School, 150 Terrier Trail South; Soho Beach House, 4385 Collins Avenue, Miami Beach; Sea World Florida, 7007 Sea World Drive, Orlando; Master Excavators, 9950 S. W. 168 Terrace, Miami.

DATE AND TIMES: July 10, 2006

- 8:00 a.m. Product Approval/Prototype Buildings/Manufactured Buildings POC.
- 8:00 a.m. Meeting of the Energy Technical Advisory Committee.
- 10:00 a.m. Meeting of the Electrical Technical Advisory Committee.
- 1:00 p.m. Meeting of the Code Administration Technical Advisory Committee.
- 1:00 p.m. Meeting of the Structural Technical Advisory Committee.
- 1:00 p.m. Forum on Enforcement Energy Code Electrical Load Management.
- 3:00 p.m. Meeting of the Accessibility Technical Advisory Committee.
- 3:00 p.m. Meeting of the Education Program Oversight Committee.

DATE AND TIME: July 11, 2006

- 3:45 p.m. Supplemental Rule Development Workshop on Rule 9B-3.047 Florida Building Code.

DATE AND TIMES: July 11, 2006

- 8:30 a.m. Hurricane Research Advisory Work Group.
- 1:30 p.m. Meeting of the Plenary Session of the Florida Building Commission.

- Review and approval of the Agenda.
- Review and approval of the May 1, 2, and 3, 2006 Minutes and Facilitator’s Report.
- Chair’s Discussion of Issues and Recommendations.
- Review and Update of Commission Workplan.
- Consideration of requests for waiver from accessibility code requirements: Florida Marines Shipping Lines, 3795 N. W. South River Drive, Miami; Herrle Communications Group, 117 South Gadsden Street, Tallahassee; Seminole Community College, 850 State Road 434, Altamonte Springs; River Town Boat House, 3500 State Road 13 North, St. Augustine; Weston City Hall, 17200 Royal Palm Boulevard, Weston; George Fouke, 505 West New Haven Avenue; Cocoa Beach Jr., Sr. High School, 1500 Minutemen Causeway, Cocoa Beach; Titusville High School, 150 Terrier Trail South; Soho Beach House, 4385 Collins Avenue, Miami Beach; Sea World Florida, 7007 Sea World Drive, Orlando; Master Excavators, 9950 S. W. 168 Terrace, Miami.
- Consideration of Applications for Product and Entity Approval.
- Consideration of Legal Issues and Petitions for Declaratory Statement.
- Product Approval Revocations and Entry of Final Official Order if No Hearing Required:
  - FL1033, Alufab Hurricane Shutters.
  - FL 495, Associated Materials, Inc., d/b/a Alside.
  - FL4592, Flamm Roofing Incorporated.

FL1588, Florida Powder Coating and Shutters, Inc.  
 FL1701, Florida Powder Coating and Shutters, Inc.  
 FL3473, Weatherguard Building Products, Inc.  
 FL1167, Windsor Door Company.

First Hearing:  
 DCA06-DEC-094 by James V. Miller, President, QMI.  
 Security Solutions.  
 DCA06-DEC-120 by Bob Alligood, Ice House America LLC.  
 DCA06-DEC-130 by Tina M. Neace, Florida Air Designs, Inc.  
 DCA06-DEC-131 by Walter M. Hotchkiss, SEA Limited.

Consideration of Committee Reports and Recommendations:  
 Accessibility TAC Report; Code Administration TAC Report;  
 Education POC Report; Electrical TAC Report; Energy TAC  
 Report; Hurricane Research Advisory Committee Report;  
 Structural TAC Report and Product Approval/Prototype  
 Buildings/Manufactured Buildings Program Oversight  
 Committee Report.

Energy Code Work Group Report.  
 Termite Work Group Report.  
 Windows Work Group Report.  
 Product Approval Validation Work Group Report.  
 Report on Energy Code Electrical Load Management  
 Enforcement Forum.  
 Supplementary Rule Development Workshop on Rule  
 9B-3.047, F.A.C., Florida Building Code,  
 Commission Member Comments and Issues,  
 General Public Comment,  
 Review Committee Assignments and Issues for the August 21,  
 22, and 23, 2006 Commission Meeting.  
 Summary Review of Meeting Work Products  
 Adjourn.

DATE AND TIME: July 12, 2006, 8:00 a.m., Building Code  
 Amendment Process Review 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](http://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 **Department of Community Affairs** announces a public  
 hearing to receive input from all interested parties on the  
 Low-Income Home Energy Assistance Program (LIHEAP)  
 State Administrative Plan for federal fiscal year (FFY) 2007 to  
 which all interested parties are invited.

**PUBLIC HEARING ON THE LIHEAP STATE  
 ADMINISTRATIVE PLAN FOR FFY 2007**

DATE AND TIME: Tuesday, July 18, 2006, 9:00 a.m. – 10:00  
 a.m.

PLACE: Florida Department of Community Affairs, 2555  
 Shumard Oak Boulevard, Conference Room 250L,  
 Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
 obtain input and recommendations from the public and  
 interested parties concerning the LIHEAP State Administrative  
 Plan for FFY 2007 which will be submitted to the United  
 States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by  
 writing to the: Department of Community Affairs, Susan  
 Lawrence, Planner IV, the Sadowski Building, 2555 Shumard  
 Oak Boulevard, Tallahassee, Florida 32399-2100, by  
 telephoning (850)488-7541, by fax (850)488-2488, or by  
 appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any  
 decision of the Department of Community Affairs with respect  
 to any matter considered at this public hearing, he or she will  
 need a record of the proceeding, and for such purposes he or  
 she may need to ensure that a record of the proceeding is made,  
 which record includes the testimony and evidence upon which  
 the appeal is to be made.

Any person requiring a special accommodation at this public  
 hearing because of a disability or physical impairment should  
 contact the community assistance section, (850)488-7541, at  
 least five calendar days prior to the hearing. If you are hearing  
 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 **Department of Community Affairs** announces a meeting  
 of the Community Assistance Advisory Council, and a public  
 hearing to receive input from all interested parties on the  
 Community Services Block Grant (CSBG) State  
 Administrative Plan for federal fiscal year FFY 2007 and FFY  
 2008, to which all interested parties are invited.

**COMMUNITY ASSISTANCE ADVISORY COUNCIL  
 MEETING**

DATE AND TIME: Wednesday, August 3, 2006, 9:00 a.m. –  
 11:30 a.m.

PLACE: Department of Community Affairs, 2555 Shumard Oak Boulevard, Randall Kelly Training Center, Third Floor, Room 305, Tallahassee, Florida 32399-2100, Telephone (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council will review the CSBG State Administrative Plan for FFY 2007 and FFY 2008.

PUBLIC HEARING FOR THE CSBG STATE PLAN FOR FFY 2007 AND 2008

DATE AND TIME: Wednesday, August 3, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: Florida Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Randall Kelley Training Center, Room 305, Tallahassee, Florida 32399-2100, (850)488-7541

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the CSBG State Administrative Plan for FFY 2007 and 2008 which will be submitted to the United States Department of Health and Human Services.

A copy of the state plan and agenda may be obtained by writing to the Department of Community Affairs, Hilda S. Frazier, Manager, The Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, by telephoning (850)488-7541, by fax (850)488-2488 or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this public hearing because of a disability or physical impairment should contact the community assistance section, 1(850)488-7541, at least five calendar days prior to the hearing. If you are hearing 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).

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The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

DATE AND TIME: July 13, 2006, 9:30 a.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Additional information may be obtained by writing to the: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

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The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of all Local Emergency Planning Committees chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: July 13, 2006, 1:30 p.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to the: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting to which all persons are invited.

DATE AND TIME: July 14, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing to the: Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs**, Century Commission for a Sustainable Florida (Century Commission) announces the following meeting to which all interested persons are invited.

DATES AND TIMES: Sunday, July 9, 2006, 5:00 p.m. through Monday, July 10, 2006, 4:00 p.m.

PLACE: The Ritz Carlton Golf Resort, Naples, 2600 Tiburon Drive, Naples, FL 34109

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the fifth meeting of the Century Commission. The members will continue to discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

A copy of the agenda and other information regarding the meeting and the Century Commission may be obtained at the Internet address: [www.dca.state.fl.us](http://www.dca.state.fl.us) or by contacting Steve Seibert, (850)321-9051, [steve@seibertlaw.com](mailto:steve@seibertlaw.com) or Rachel Roberts, (850)488-8466, [Rachel.Roberts@dca.state.fl.us](mailto:Rachel.Roberts@dca.state.fl.us).

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact the above mentioned: Rachel Roberts, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100 or at her contact number or email address listed above.

If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at (800)955-8770 (Voice) or (800)955-9771 (TDD).

#### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida **Department of Law Enforcement** will hold a Basic Abilities Test Providers workshop to which all interested persons are invited.

DATE AND TIME: Wednesday August 2, 2006, 1:30 p.m.

PLACE: The Sawgrass Marriott Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, Florida 32082.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the new BAT contract with interested providers.

Questions concerning this workshop should be directed by mail to the: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye, or by telephone (850)410-7676.

The **Criminal Justice Professionalism Program** announces a Criminal Justice Standards and Training Commission Meeting Conference Call. All parties are invited to participate.

DATE AND TIME: Thursday, July 13, 2006, 2:00 p.m.

PLACE: Conference Call: (850)410-0961, Suncom 210-0961. Please dial the Conference Call number five minutes prior to 2:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take action on two recommended orders, to discuss the Criminal Justice Standards and Training Trust Fund, and Dart-Firing Stun Gun training requirements.

Commission meeting agendas: A copy of the July 13, 2006, Conference Call agenda and issue may be obtained by contacting Donna Hunt, (850)410-8615.

Special Accommodations: Any person requiring a special accommodation at this meeting because of a disability or physical impairment, should contact Donna Hunt at (850)410-8615.

#### DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: July 13, 2006, 8:30 a.m.

PLACE: Florida Department of Transportation, Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Sections 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones, (850)245-7914.

A copy of the agenda may be obtained by writing: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

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The Florida **Department of Transportation**, District Six announces a Public Hearing to which all persons are invited.

DATE AND TIMES: Thursday, July 27, 2006, 6:00 p.m. – 8:00 p.m.; Formal Presentation 7:00 p.m.

PLACE: Archbishop Coleman E. Carol High School, Gymnasium, 10300 S. W. 167th Avenue, Miami, Florida 33196

**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 249615-3-22-01, otherwise known as the Krome Avenue North Project Development and Environment (PD&E) Study. The project extends from S. W. 136th Street to Okeechobee Road or a total distance of about 23 miles. The PD&E Study will address the safety, mobility and community needs of the corridor. The proposed alternative consists of widening the current two-lane undivided roadway to a four-lane divided section with a 40-foot sod median and paved inside and outside shoulders. A bike path along the existing canal levee on the west side of the roadway is also proposed. Right-of-way acquisition is anticipated for portions of this project. Potential encroachment on wetlands and floodplains may be given special consideration under Executive Orders

11990 and 11988. Extensive coordination with SFWMD was required for the minimization and mitigation of these potential impacts. 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: Vilma Croft, P.E., Project Manager, Florida Department of Transportation, 1000 N. W. 111th Avenue, Room 6111-A, Miami, Florida 33172, (305)470-5240, email: vilma.croft@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.

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

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

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#### **FLORIDA PAROLE COMMISSION**

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 12, 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.

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: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida, 32399-2450.

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.

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**PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a rule workshop to which all persons are invited.

DOCKET NO: 060173-EU

Location of the Utility's Electric Distribution Facilities 25-6.0341

Third-party Attachment Standards and Procedures 25-6.0342

DATE AND TIME: Thursday, July 13, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To allow third party attachers to present data on the cost impact, if any, of proposed Rules 25-6.0341 and 25-6.0342, F.A.C., on their companies. Third party attachers are requested to specifically address the following:

1. Identify the assumptions and basis for all incremental costs from implementation of each of the proposed rule requirements, including all potential transactional costs. For this purpose, transactional costs should include direct costs that are readily ascertainable based upon standard business practices.
2. Identify additional types of expense/revenue increases or decreases, being specific as to the types of expenses/revenues (for example, labor costs, administrative costs, other operating revenues) that would be incurred as a result of rule implementation.
3. Identify benefits accruing from the implementation of the rule.

A copy of the rules is available from: Larry D. Harris, Office of the General Counsel, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6076, [LHarris@psc.state.fl.us](mailto:LHarris@psc.state.fl.us).

One or more Commissioners may be in attendance.

A copy of the agenda may be obtained from Mr. Harris at least 7 days before the workshop.

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

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: \*July 17, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. 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).

\* In the event of a scheduling conflict, this meeting may be rescheduled to July 18, 2006, in Room 140, immediately preceding or immediately following the Commission Conference.

**\*\*THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.\*\***

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

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

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the: Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to the Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any

person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a meeting of the Search Committee to which all persons are invited.

DATE AND TIME: July 17, 2006, 8:30 a.m.

PLACE: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct interviews to select an individual to fill the executive director position.

Any person deciding to appeal any decision of the Committee with respect to any matter considered at the meeting may need to ensure that a verbatim record of the proceedings is made.

A copy of the agenda may be obtained by writing to: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

Persons with disabilities who need assistance may contact us, (352)955-2200, at least two business days in advance to make appropriate arrangements.

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The District 5, **Local Emergency Planning Committee** announces a public meeting to which all persons are invited.

COMMITTEE NAME: Training Subcommittee

DATE AND TIME: Wednesday, July 19, 2006, 9:00 a.m.

COMMITTEE NAME: Local Emergency Planning Committee

DATE AND TIME: Wednesday, July 19, 2006, 10:30 a.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474

GENERAL SUBJECT MATTER TO BE CONSIDERED: Chairman report, Committee updates, and other organizational matters regarding the committees.

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have any questions regarding the meeting you may contact Michael Arnold, (352)732-1315.

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The **Withlacoochee Regional Planning Council** announces a public meeting of its Board of Directors to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2006, 7:00 p.m.

PLACE: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Council.

A copy of the agenda may be obtained by writing to the: Withlacoochee Regional Planning Council, 1241 S. W. 10th Street, Ocala, FL 34474-2798.

Affected persons are advised that it may be necessary for them to ensure that a verbatim record of the meeting is made, including the testimony and evidence upon which the appeal is to be based.

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The **Central Florida Regional Planning Council** will hold its public meeting and the Council's Executive Committee meeting, to which all persons are invited.

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

PLACE: Chain of Lakes Complex, Club Room, 210 Cypress Gardens Boulevard, Winter Haven, Florida 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting of the Council and the Executive Committee.

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

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The **Central Florida Regional Planning Council** announces a public meeting of the Local Emergency Planning Committee (LEPC), and its Membership Sub-Committee, Spill Review Sub-Committee, Public Relations Sub-Committee, and Exercise Sub-Committee, to which all persons are invited.

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

PLACE: Hardee County Health Department, 115 K. D. Revell Road, Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC, and Special Sub-Committees, and to discuss the provisions of the Emergency Planning and Community Right To Know Law (EPCRA).

A copy of the agenda may be obtained by writing to: Central Florida Regional Planning Council, P. O. Box 2089, Bartow, Florida 33831.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such persons will need a record of the proceeding. For such purpose, he may

need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Regional Planning Council** announces that it's Budget Subcommittee will be meeting.  
 DATE AND TIME: Thursday, July 20, 2006, 9:00 a.m.  
 PLACE: SWFRPC Offices, 2nd Floor, Meeting Room, 1926 Victoria Avenue, Fort Myers, Florida 33901  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC Caloosahatchee River Basin Board Subcommittee Meeting.

NOTICE OF CANCELLATION – The **Southwest Florida Regional Planning Council** announces that it's regular meeting has been canceled.  
 DATE AND TIME: July 20, 2006, 9:00 a.m.  
 PLACE: SWFRPC Offices, 1st Floor, Conference Room, 1926 Victoria Avenue, Fort Myers, Florida 33901  
 The next regular meeting is scheduled for:  
 DATE AND TIME: August 17, 2006, 9:00 a.m.

**WATER MANAGEMENT DISTRICTS**

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.  
 DATE AND TIME: July 11, 2006, 9:00 a.m.  
 PLACE: District Headquarters, 9225 CR 49, Live Oak, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting – to consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the Plum Creek Timberlands LLC/Devils Hammock Addition Property, 116 acres +/-, Levy County, using Funds from the Florida Forever Trust Fund. A workshop will follow the Board meeting.  
 A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.  
 If any person decides to appeal any decision with respect to any matter considered at the above cited meeting, such person may need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.  
 Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa Cheshire, (386)362-1001 or (800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings that some members of the Governing and Basin Boards may attend and to which all interested persons are invited.

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, July 7, 2006, 8:00 a.m.  
 PLACE: Manatee Chamber Building, 222 – 10th Street, West, Bradenton, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee Business.

BASIN BOARD EDUCATION COMMITTEE

DATE AND TIME: Tuesday, July 11, 2006, 9:30 a.m.  
 PLACE: South Cross Bayou Water Reclamation Facility, 7401 – 54th Avenue, North, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee Business.

BASIN BOARD LAND RESOURCES COMMITTEE

DATE AND TIME: Thursday, July 13, 2006, 9:30 a.m.  
 PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Committee Business.

These are public meetings, agendas are available by contacting Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4608; TDD only 1(800)231-6103 (Florida only); Fax (352)754-6874.

The **South Florida Water Management District** announces a private closed door attorney-client session. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

DATE AND TIME: Tuesday, July 11, 2006, 12:00 Noon – completed

PLACE: Grand Bay Hotel, 2669 South Bayshore Drive, Miami, Florida 33133

DATE AND TIME: Wednesday, July 12, 2006, 9:00 a.m. – completed

PLACE: Miami City Hall, Commission Chambers, 3500 Pan American Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2005), to discuss strategy related to litigation expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., U.S. District Court for the Southern District of Florida, Case No. 02-80309-CIV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management, et al., U.S.



District Court for the Southern District of Florida, Miami Division, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, U.S. District Court for the Southern District of Florida, Miami Division, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board members I. Bagué, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty; H. Thornton; Executive Director C. Wehle; General Counsel S. Wood; District attorneys S. Glazier, J. Nutt, M. Compagno, E. Artau, R. Olian, S. Echemendia.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained at: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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The **South Florida Water Management District** announces a private closed door attorney-client session. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members). DATE AND TIME: Tuesday, July 11, 2006, 12:00 Noon until completed

PLACE: Grand Bay Hotel, 2669 South Bayshore Drive, Miami, Florida 33133

DATE AND TIME: Wednesday, July 12, 2006, 9:00 a.m. – completed

PLACE: Miami City Hall, Commission Chambers, 3500 Pan American Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2005), to discuss strategy related to litigation expenditures in Tohopekaliga Water Authority v. St. Johns River Water Management District and Orange County Utilities Division, St. Johns River Water Management District, CUP No. 3317. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board Members I. Bagué, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton, M. Wade; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, S. Glazier, B. Ross, C. Ross and S. Menton.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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PLACE: Grand Bay Hotel, 2669 South Bayshore Drive, Miami, Florida 33133

DATE AND TIME: Wednesday, July 12, 2006, 9:00 a.m. – completed

PLACE: Miami City Hall, Commission Chambers, 3500 Pan American Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Fla. Stat. Section 286.011(8) (2005), to discuss strategy related to litigation expenditures in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation.

ATTENDEES: Governing Board members I. Bagué, M. Burt-Stewart, A. Carlson, M. Collins, N. Gutiérrez, L. Lindahl, K. McCarty, H. Thornton; Executive Director C. Wehle; General Counsel S. Wood; District attorneys S. Nall, S. Glazier, K. Burns, S. Echemendia.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

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Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

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The **South Florida Water Management District** announces public meetings to which all interested parties are invited.

DATE AND TIMES: Tuesday, July 11, 2006, 9:00 a.m., Finance Committee meeting; 10:30 a.m., Land Resources and Construction (LRC) Committee meeting; 12:00 Noon, Workshop

PLACE: Ballroom AB, Grand Bay Miami Hotel, 2669 South Bayshore Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Finance Committee, LRC Committee, and Workshop to discuss and consider District business including regulatory and non-regulatory matters.

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 7 days before the meeting at: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to: South Florida Water Management District, Mail Stop 1130, Post Office 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)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: District Clerk, (561)682-2087. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

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The **South Florida Water Management District** announces public meetings to which all interested parties are invited.

DATE AND TIME: Wednesday, July 12, 2006, 9:00 a.m. – complete

PLACE: Commission Chambers, Miami City Hall, 3500 Pan American Dr., Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Meeting to discuss and consider District business including regulatory and non-regulatory matters.

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 7 days before the meeting at: (1) District Website <http://www.sfwmd.gov/agenda.html> or (2) by writing to: South Florida Water Management District, Mail Stop 1130, Post Office 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)682-2087, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: District Clerk, (561)682-2087. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

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The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: July 12, 2006, 9:00 a.m.

PLACE: The Miami City Hall, Commission Chambers, 3500 Pan American Drive, Miami, Florida 33133

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board meeting for consideration of regulatory and non-regulatory matters, conduct meeting of the Human Resources Committee and Audit Committee, including public meetings, adopt a resolution amending the FY 2005-06 Budget to increase it from \$1.039 billion to \$1.127 billion (approximately \$88 million), primarily for land acquisition for Everglades restoration.

A copy of the agenda may be obtained at: (1) District Website <http://www.sfwmd.gov/gover/GovBoard/webpage/agenda.html> or (2) by writing to: South Florida Water Management District, Mail Stop 6115, 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: Doug Bergstrom, The Finance and Administration Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 6260, West Palm Beach, FL 33406, (561)682-6214.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Friday, July 14, 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: Special meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at: (1) District Website <http://www.sfwmd.gov/org/ema/toc/index.html> or (2) by writing to: 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, The Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

### EXPRESSWAY AUTHORITIES

The **Transportation and Expressway Authority Membership of Florida** (TEAMFL) and Floridians for Better Transportation (FBT) announce a public meeting to which all persons are invited.

DATES AND TIMES: TEAMFL: Thursday, July 13, 2006, 1:00 p.m. – 2:00 p.m.; FBT: Thursday, July 13, 2006, 2:00 p.m. – 5:00 p.m.; Friday, July 14, 2006, 8:00 a.m. – 12:00 Noon

GENERAL SUBJECT MATTER: Toll Collections in Orlando and in Florida; Transportation and the 06 Elections.

GUEST SPEAKERS: Jim Ely, Executive Director, Florida's Turnpike Enterprise – "Overview of Toll Collection Facilities and Their Role in Florida"; Mike Snyder, Executive Director, Orlando Orange County Expressway Authority – "OOCEA: A Vision Into The Future"; Marian Johnson, Executive Director, Florida Chamber of Commerce, Political Institute; Rep. Ray Sansom, House Transportation Committee Chairman and future House Speaker 2009 and 2010 and Rep. Dean Cannon, House Transportation Committee Member and future House Speaker for 2011 and 2012. Friday, July 14, 2006: Perfecting Presentations session – Arch Lustberg – Lustberg Communications, Inc., Washington, D.C.; U.S. Senate Candidates: Senator Bill Nelson; Congresswoman Katherine

Harris; Florida gubernatorial Candidates: Attorney General, Charlie Crist; Congressman Jim Davis; CFO Tom Gallagher and State Senator Rod Smith.

Place: Rosen Plaza Hotel, 9700 International Dr., Orlando, FL  
Registration Fee: \$250.00

Additional information can be obtained at: [www.teamfl.org](http://www.teamfl.org) or from Douglas J. Callaway, FBT President, 136 S. Bronough Street, Tallahassee, FL 32301, (850)521-1256, Fax (850)521-1257.

### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board FHIN Network Security Workgroup, to which all interested parties are invited.

DATE AND TIME: Monday, July 10, 2006, 12:00 Noon – 1:30 p.m., EDT

PLACE: This will be a meeting by conference call. Anyone interested in participating may telephone: (641)793-7500 and use Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workgroup meeting will discuss network security issues for the Florida Health Information Network and for local regional health information organizations connecting to the Florida Health Information Network.

A copy of the agenda may be obtained by writing to: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at [http://ahca.myflorida.com/dhit/work\\_group05.shtml](http://ahca.myflorida.com/dhit/work_group05.shtml) seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board FHIN White Paper Minimal Clinical Dataset Workgroup, to which all interested parties are invited.

DATE AND TIME: Tuesday, July 11, 2006, 12:00 Noon – 1:30 p.m., EDT

PLACE: This will be a meeting by conference call. Anyone interested in participating may telephone: (641)793-7500 and use Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workgroup meeting will discuss the development of a minimal dataset that will reside on the server of a local regional health information organization connecting to the Florida Health Information Network and make recommended additions to the FHIN White Paper.

A copy of the agenda may be obtained by writing to: Christopher Sullivan, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at [http://ahca.myflorida.com/dhit/work\\_group05.shtml](http://ahca.myflorida.com/dhit/work_group05.shtml) seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Christopher Sullivan, (850)414-5421, at least five calendar days prior to the meeting.

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The **Agency for Health Care Administration** announces a meeting of the Variations Working Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Wednesday, July 12, 2006, 11:00 a.m.

PLACE: USF Downtown Center, 1101 Channelside Drive, Tampa, Florida 33602. Anyone interested in participating may telephone (641)793-7500/Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Pia Neustadter, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at [http://ahca.myflorida.com/dhit/Privacy\\_ss.shtml](http://ahca.myflorida.com/dhit/Privacy_ss.shtml) seven (7) days prior to the meeting.

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The **Agency for Health Care Administration** announces a meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Thursday, July 13, 2006, 10:00 a.m.

PLACE: Vincent A. Stabile Research Building, David Murphy Conference Room, H. Lee Moffitt Cancer Center and Research Institute, 12902 Magnolia Drive, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing to: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

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The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Sunday, July 9, 2006, 9:30 a.m. – 2:30 p.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting. Members of the public who wish to testify at this meeting must contact: Michael Bolin, (850)487-4441. The number of speakers will be limited and will be accommodated in order of notification to Mr. Bolin. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website at [http://www.fdhc.state.fl.us/Medicaid/Prescribed\\_Drug/index.shtml](http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug/index.shtml). Procedures for speakers to follow are also available on the website.

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The **Agency for Health Care Administration** announces a public meeting of the Low Income Pool (LIP) Council to which all persons are invited.

DATE AND TIME: August 30, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: Via Conference Call or for those in Tallahassee, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32301, (850)487-8587

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, with any questions or to obtain an agenda when it is set.

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#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Monday, July 17, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: The Residence Inn, 4075 Tamiami Trail, North, Naples, Florida 34103

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to discuss the daily functions and activities of the Commission.

CONTACT: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301 or call (850)488-7082.

The Florida **Commission on Human Relations** announces a public meeting to which all persons are invited. The meeting is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup.

DATE AND TIME: Wednesday, July 20, 2006, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. The meet-me telephone number is (850)414-1711 or Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

VERBATIM RECORD OF MEETING: If any person decided to appeal any decision made during the meeting, he or she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA Notice: Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact the Clerk of the Commission, (850)488-7082, ext. 1032, at least five working days prior to the meeting.

#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of three town hall meetings.

DATE AND TIME: Monday, July 17, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: Miami City Hall, 3500 Pan American Drive, Miami, FL

DATE AND TIME: Tuesday, July 18, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: Dania Beach City Hall, 100 West Dania Beach Blvd., Dania Beach, FL

DATE AND TIME: Wednesday, July 19, 2006, 4:00 p.m. – 8:00 p.m.

PLACE: Clayton Hutchinson Agricultural Center, 559 Military Trail, Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Town hall meetings to discuss and obtain public input regarding Senate Bill 1556, relating to the termination of condominiums.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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

NOTICE OF CANCELLATION – The Florida **Board of Architecture and Interior Design** cancelled the June 29, 2006, telephone conference call and rescheduled the following meeting to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: July 13, 2006, 9:00 a.m. (Eastern Time)

PLACE: Access Phone: Direct (850)410-0962, Suncom 210-0962

GENERAL SUBJECT MATTER TO BE CONSIDERED: Invitation to Negotiate (ITN) Committee Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Barbers' Board** to which all persons are invited to attend.

DATE AND TIME: Sunday, August 13, 2006, 10:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

DATE AND TIME: Monday, August 14, 2006, 9:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

PLACE: Hampton Inn and Suites, 19 South Second Street, Fernandina Beach, Florida 32034

A copy of the agenda may be obtained by writing to the: Florida Barbers' Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The **Department of Business and Professional Regulation** announces a public meeting of the Florida **Board of Cosmetology** to which all persons are invited to attend.

DATE AND TIME: Sunday, July 23, 2006, 9:00 a.m. or soon there after

PLACE: Tampa Westshore Marriott, 1001 N. Westshore Blvd., Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

A copy of the agenda may be obtained by writing to the: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical

State Concern using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Landscape Architecture** announces the following meeting to which all persons are invited to attend.

DATE AND TIME: July 28, 2006, 9:00 a.m. (Eastern Time)

PLACE: Renaissance Fort Lauderdale Plantation Hotel, 1230 South Pine Island Road, Plantation, FL 33324, (954)472-2252

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board and Business Meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing to: Board of Landscape Architecture, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board Office, (850)487-8304, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting.

DATE AND TIME: July 10, 2006, 11:00 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 to determine the existence of probable cause.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Jessica Leigh, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Board of Accountancy** announces the following public meetings to which all persons are invited.

**DATES AND TIMES:** Thursday, July 20, 2006, 10:30 a.m. – until all Probable Cause Panel business is concluded; Friday, July 21, 2006, 9:00 a.m. – until all Board Meeting business is concluded

**PLACE:** Hilton Tampa Airport Westshore, 2225 North Lois Avenue, Tampa, FL 33607

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Probable Cause Panel will meet to conduct hearings on disciplinary matters. These meetings are closed to the public; however, there may be cases where probable cause was previously found which are to be reconsidered. The Board will meet to consider enforcement proceedings including consideration of investigation officers' reports and other general business. This is a public meeting.

A copy of any probable cause materials which are open to the public, any budget materials and/or the Board agenda may be obtained by writing to: John W. Johnson, Division Director, Division of Certified Public Accounting, 240 N. W. 76th Drive, Suite A, Gainesville, Florida, 32607.

**Note:** Portions of the Probable Cause Panel meeting may be closed to the public.

If a person decides to appeal any decision made by the Board with respect to any matter considered at these meetings, he/she may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to the provisions of the Americans with Disabilities Act any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting: John W. Johnson, (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8711.

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The **Florida Real Estate Appraisal Board (FREAB)** announces a teleconference meeting to which the public is invited to attend.

**DATE AND TIME:** Friday, July 14, 2006, 9:00 a.m.

**PLACE:** Persons may participate in the teleconference by calling the following Meet Me Numbers: Suncom 292-2903 or non-Suncom (850)922-2903 or in person at the Hurston Building, Ground Floor Conference Room A, South Tower, 400 West Robinson Street, Orlando, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official business of the Florida Real Estate Appraisal Board – The Board is meeting to discuss the amendment of Rule 61J1-4.001, Florida Administrative Code, in order to implement new legislative changes to Section 475.617, Florida Statutes, which are effective on July 1, 2006.

A copy of the agenda may be obtained by writing to: Ashley Dashnaw, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal or challenge a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal or challenge is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, 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).

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#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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#### **DEPARTMENT OF HEALTH**

The Florida **Board of Medicine**, Credentials Committee announces a meeting to which all persons are invited.

**DATE AND TIME:** Thursday, July 20, 2006, 8:00 a.m. or soon thereafter

**PLACE:** Hyatt Regency Jacksonville Riverfront, 225 East Coastline Drive, Jacksonville, FL 32202, (904)588-1234

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To conduct general business of the Committee.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the committee with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceeding 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 Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech

impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: July 19, 2006, 5:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number (850)921-6433

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, Central Probable Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: July 10, 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.

A copy of the agenda item may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**FLORIDA HOUSING FINANCE CORPORATION**

COMMUNITY WORKFORCE HOUSING INNOVATION PILOT PROGRAM (CWHIP)

PROPOSED RULE CHAPTER 67-58

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish procedures for the administration of the Community Workforce Housing Innovation Pilot Program (CWHIP), pursuant to Chapter 2006-69, Laws of Florida.

SUBJECT AREA TO BE ADDRESSED: The public meeting will be held to receive comments and suggestions for the CWHIP Program from interested persons.

DATE AND TIME: Monday, July 10, 2006, 10:00 a.m. – 1:00 p.m.

PLACE: Sheraton Ft. Lauderdale Airport, 1865 Griffin Road, Ft. Lauderdale, FL 33004, Telephone: (954)920-3500

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

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

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited.

DATE AND TIME: July 11, 2006, 10:00 a.m. – 1:00 p.m.

PLACE: Orlando City Hall, Overlook Room 9th Floor, One City Commons, 400 South Orange Avenue Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To engage in a discussion relative to the development of an Emergency Rule and Application for two newly established hurricane housing recovery programs. The two new programs are the Farmworker Housing Recovery Program and the Special Housing Assistance and Development Program. These programs were approved by the Florida legislature as part of House Bill 1363 and signed into law as Chapter 2006-69, L.O.F.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Freyja Harris, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation 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 Housing Finance Corporation** announces a meeting of the Board of Directors to which all interested parties are invited.



DATE AND TIME: July 28, 2006, 9:00 a.m. – until adjourned  
 PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301, (850)851-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.

20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the July 28, 2006, Board Meeting.

A copy of the agenda may be obtained approximately two days prior to the meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, or by visiting the Corporation's website at [www.floridahousing.org](http://www.floridahousing.org)

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sheila Freaney, Florida Housing Finance Corporation, (850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

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#### FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a public meeting of the Snook Workgroup, to which all interested persons are invited.

DATE AND TIME: July 25, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Four Points by Sheraton Sebring, Chateau Elan, 150 Midway Drive, Sebring, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the snook stock assessment and the future of the snook fishery.

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

For further information, contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2006, 1:00 p.m.  
PLACE: Marco Island Marriott Resort, Golf Club & Spa, 400 S. Collier Blvd., Marco Island, FL 34145-5304  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Florida Firefighters Employment, Standards, and Training Council.  
A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486, or by calling (352)369-2800.  
In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

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The **Department of Financial Services, Division of State Fire Marshal** announces a public meeting to which all persons are invited.

DATE AND TIME: July 21, 2006, 1:00 p.m.  
PLACE: Marco Island Marriott Resort, Golf Club & Spa, 400 S. Collier Blvd., Marco Island, FL 34145-5304  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting of the Fire and Emergency Incident Information System Technical Advisory Panel.  
A copy of the agenda may be obtained by writing: Department of Financial Services, Division of State Fire Marshal, 11655 N. W. Gainesville Road, Ocala, FL 34482-1486, or by calling (352)369-2800.  
In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing a special accommodation to participate in this meeting or workshop should contact the address or phone number listed above no later than 48 hours prior to the meeting or workshop.

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**SUNSHINE STATE GOVERNMENTAL FINANCING COMMISSION**

The **Sunshine State Governmental Financing Commission** announces a public meeting, where all interested parties are invited.

DATE AND TIME: Friday, July 7, 2006, 11:45 a.m.  
PLACE: Conference Room, Finance Department, 25th Floor, Stephen P. Clark Center, Miami-Dade County, 111 N. W. 1st Street, Miami, FL  
GENERAL SUBJECT MATTER TO BE CONSIDERED: Special Board of Directors Meeting.  
A copy of the agenda may be obtained by contacting: Mr. Richard C. Dowdy, Program Administrator, (850)878-1874.

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**LEON COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The Development Review Committee of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every second Tuesday of each month, through December 2006, 8:30 a.m. Meeting subject to cancellation, please call ahead to confirm.  
PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310  
GENERAL SUBJECT MATTER TO BE CONSIDERED: This Committee reviews proposed construction plans for compliance with the protective covenants of Innovation Park.  
For information regarding the proposed agenda, interested persons may contact Ms. Lewis, (850)575 0031.  
Any person who desires to appeal a recommendation of the review committee will need a record of the proceedings conducted at such meetings.  
Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance.

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The Board of Governors of the **Leon County Research and Development Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: Every third Tuesday of each month through December 2006, 8:30 a.m.  
PLACE: Innovation Park Administrative Centre, 1736 West Paul Dirac Drive, Tallahassee, Florida 32310  
GENERAL SUBJECT MATTER TO BE CONSIDERED: The development and operation of Innovation Park and related matters.  
Any person who desires to appeal a decision of the Leon County Research and Development Authority will need a record of the proceedings of the Authority conducted at such meetings.  
Special accommodations for persons with disabling conditions should be requested in writing at least 48 hours in advance. For information regarding the proposed agenda, interested persons may contact Ms. Lewis at (850)575-0031.

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**FLORIDA COMPREHENSIVE HEALTH ASSOCIATION**

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting as follows:

DATE AND TIME: Tuesday, July 11, 2006, 1:30 p.m.  
PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 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.

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

### **DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Department of Community Affairs received a request for Declaratory Statement on April 25, 2006, from the Marion Soil and Water Conservation District, regarding Department's vested agreements with Avatar Corporation dated 1974 and 1986 for its developmental properties in Marion County. It has been assigned the number DCA06-DEC-114.

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.

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

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

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### **DEPARTMENT OF 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, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Harbour Royale Condominium Association, Inc., George B. Mitchell, Unit Owner/Petitioner, Docket Number 2006033578.

Whether, under Section 718.113(5), Florida Statutes, Harbour Royale Condominium Association, Inc. may amend its rule that has been recorded in the public records to change hurricane shutter specifications without filing the amendment in the public records.

A copy of the Petition for Declaratory Statement, Docket Number 2006033578, 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. Any person whose substantial interests may be affected by the issuance of a declaratory statement in this proceeding, must file a request to intervene and, if desired, a request for a hearing, within 21 days of the date of this notice. 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.

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### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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### **DEPARTMENT OF HEALTH**

The Board of Nursing hereby gives notice that it has received a Petition for Declaratory Statement filed on June 14, 2006 on behalf of Julie Auchtung, RN. The Petitioner seeks the Board's guidance pertaining to the practice of "biofeedback" and the Registered Nurse. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining whether it is within the scope of practice of a Registered Nurse, who is properly trained and certified in biofeedback therapy, to administer this therapy to patients who are referred by psychiatrists or other physicians, and whether this can be done by the Registered Nurse as an independent nurse practitioner not working under the license of a physician or psychiatrist.

Copies of the petition may be obtained by writing: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**NOTICE TO CONSTRUCTION MANAGERS**

Florida A&M University (FAMU), announces that construction management services will be required for: Project No.: FM-315, Jones Hall Remodeling / Renovation, Florida A&M University, Tallahassee, Florida

Jones Hall has been the focal point of the Physical Sciences on FAMU’s main campus from its construction until the recent completion of the Science Research Facility. As a result of years of heavy use, Jones Hall is overdue for a major remodeling to correct deficiencies in its major systems, as well as, interior finishes, building security, and building envelope. This project consists of renovations to the existing Jones Hall, a 33,894 nsf and 54,318 gsf five-story facility constructed in 1953 and renovated in 1974 and 1993. The project scope

includes restoration of the building’s envelope, major overhaul or replacement of the existing HVAC systems, mechanical equipment, plumbing (including laboratory gases); upgrading of electrical wiring and elevators, fire doors , fire alarm and sprinkler protection systems to meet code, cable TV and internet connections, replacement of existing services and switchgear; and correction of life safety and ADA standards. Some roof and window replacement may be necessary due to the poor condition and lack of thermal efficiency.

The estimated construction budget is \$9,500,000.

The contract for construction management services will consist of two phases. Phase one is pre-construction services, for which the construction manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, phase two, the construction phase, will be implemented. In phase two of the contract, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement may result in the termination of the construction manager’s contract.

Selection of finalists for interviews will be made on the basis of construction manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping/administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm’s personnel, staff and consultants; and ability to meet the minority business enterprise participation requirements. Finalists will be provided with a copy of the building program, the latest documentation prepared by the project architect/engineer and a description of the final interview requirements. The Selection Committee may reject all proposals and stop the selection process at any time. The construction manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide construction management services for the project shall submit a letter of application and a completed FAMU “Construction Manager Qualifications Supplement.” Proposals must not exceed 80 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals which do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations,

at the time of application. As required by Section 287.133, Florida Statutes, a construction management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAMU Construction Manager Qualifications Supplement forms and the Project Fact Sheet may be obtained by contacting: Samuel Houston, Director, Facilities Planning and Construction by E-Mail: samuel.houston@famuedu and/or PH: (850)599-3197, FAX: (850)561-2289.

Eight (8) ring, comb or coil/spiral (no hard, solid or tack) bound copies of the required proposal data shall be submitted to: Samuel J. Houston, Director, Facilities Planning and Construction, C/O Buddy Barker, Director of Purchasing, Florida A&M University, Purchasing Department, Foote-Hilyer Administration Center, Suite 208, 1700 Lee Hall Drive, Tallahassee, FL 32307.

Submittals must be received in the FAMU Purchasing Office by 2:00 p.m. local time, August 11, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS

Florida A&M University (FAMU) announces that Professional Services in the discipline of Architecture will be required for the following: Project No.: FM-315, Jones Hall Remodeling / Renovation, Florida A&M University, Tallahassee, Florida

Jones Hall has been the focal point of the Physical Sciences on FAMU's main campus from its construction until the recent completion of the Science Research Facility. As a result of years of heavy use, Jones Hall is overdue for a major remodeling to correct deficiencies in its major systems, as well as, interior finishes, building security, and building envelope. This project consists of renovations to the existing Jones Hall, a 33,894 nsf and 54,318 gsf five-story facility constructed in 1953 and renovated in 1974 and 1993. The project scope includes restoration of the building's envelope, major overhaul or replacement of the existing HVAC systems, mechanical equipment, plumbing (including laboratory gases); upgrading of electrical wiring and elevators, fire doors, fire alarm and sprinkler protection systems to meet code, cable TV and internet connections, replacement of existing services and switchgear; and correction of life safety and ADA standards. Some roof and window replacement may be necessary due to the poor condition and lack of thermal efficiency.

The estimated construction budget is \$9,500,000.

The selected firm will provide design, construction documents and administration for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000 and will be provided as a part of Basic Services.

INSTRUCTIONS: Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached:

1. A completed "Professional Qualifications Supplement" (PQS); form is to be obtained from the FAMU Facilities Planning & Construction Office. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit eight (8) ring, comb or spiral (no hard, solid or tack) bound copies of the requested data in the order listed above to: Samuel J. Houston, Director, Facilities Planning and Construction, C/O Buddy Barker, Director of Purchasing, Florida A&M University, Purchasing Department, Foote-Hilyer Administration Center, Suite 208, 1700 Lee Hall Drive, Tallahassee, FL 32307. Applications which do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. Professional Qualifications Supplement (PQS) forms, descriptive project information, and selection criteria may be obtained by contacting: Samuel J. Houston, Director, Office of Facilities Planning and Construction, Florida A&M University, Plant Operations Facility, Building A, Suite 100, 2400 Wahnish Way, Tallahassee, FL 32307, Phone: (850)599-3197 Fax: (850)561-2289, E-mail: samuel.houston@famuedu. Submittals must be received in the FAMU Purchasing Office, by 2:00 p.m., local time, on August 10, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

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#### NOTICE TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project: UF-292, Communicore BSL3 Research Facility, Gainesville Florida

The project consists of the renovation of the Communicore Animal Facility (CAF). a 55,333 net assignable square foot facility located in the basement of the Communicore Building, a three story building located in the J. Hillis Miller Health Science Center. Approximately 15% of the existing CAF will be renovated. It will modernize 100% of the existing ABSL3 suite and enlarge it to about 250% of its present size (3,333 net square feet to 8,473 net square feet) by incorporating and renovating to modern ABSL3 standards areas now occupied by one SPF rodent barrier and small portions of large animal holding, and the ABSL2 suite. Program space will be comprised of laboratory and procedure, support and ABSL3 animal housing. The primary function of the completed ABSL3 suite will be to provide space that allows secure, safe and efficient use of agents, including select agents, classified as requiring BSL3 conditions.

The estimated construction budget is approximately \$6,284,974.00. The project will be delivered using the Construction Management method. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the U.S. Green Building Council is mandatory.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Minimum professional liability insurance:

\$15,000,000.00 and less	\$1,000,000.00
>\$15,000,000.00 and	Limits set individually

special risk projects

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, location, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal. Applications on any other form will not be considered.
4. Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, LEED certification, and other pertinent credentials.

At the time of application, the applicant must hold a current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, Facilities Program, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

FAW ad duration	Minimum duration in calendar days
Duration between advertisement and submittal date	28 days (for A/E and CM RFQ).
Construction value up to \$200,000.00	21 days (for call for Bids)
Construction greater than \$500,000.00	30 days (for call for Bids)

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction Office by 3:00 p.m., local time, on Friday, July 28, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: (352)392-1256  
FAX: (352)392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

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#### NOTICE TO CONSTRUCTION MANAGERS:

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project: UF-275, Pathogen Research Facility, Gainesville Florida

The project consists of a new 108,000 SF multi-disciplinary research. The goal of the multi-disciplinary research environment is to create an adaptive and enduring collaborative network of disciplines that will focus on scientific, social, educational, informatics, diagnostics, and surveillance issues related to vigilance and control of newly emerging pathogens. The proposed facility will integrate in a shared research environment, disciplines that have not traditionally collaborated to attack problems of emerging pathogens. The research initiatives will focus not only on human diseases, but plant and animal pathogens that could directly or indirectly impact human health. The building will consist of research labs, offices and support services. Program components will also include environmental and human toxicology, and plant science research.

The total project budget is \$55,500,000, including site improvements, underground utilities, fees, surveys & tests, total building commissioning, furnishings & equipment, and contingencies. Construction shall be "fast-tracked" to be substantially complete by June 2008, with an estimated construction budget of \$40,000,000. Silver LEED (Leadership in Energy and Environmental Design) accreditation by the U.S. Green Building Council is mandatory.

The contract for construction management services will consist of two phases, pre-construction and construction. Pre-construction services will begin at the Conceptual Schematic Design stage and will include production of cost studies and estimates; value engineering; analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; an early site/foundation package will be issued for an early construction start; and development of a Guaranteed Maximum Price (GMP) proposal

based on 60% Construction Documents, for which the CM will be paid a fixed fee. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement, may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience, personnel, references, bonding capacity, location, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 50 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, copies of the applicant's contracting license, corporate charter(s) if applicable, proof of the firm's bonding capacity, LEED certification, and other pertinent credentials.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Construction Standards, standard University of Florida

Owner-CM agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

FAW ad duration	Minimum duration in calendar days
Duration between advertisement and submittal date	28 days (for A/E and CM RFQ).
Construction value up to \$200,000.00	21 days (for call for Bids)
Construction greater than \$500,000.00	30 days (for call for Bids)

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m., local time, on Friday, July 28, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
 232 Stadium / P. O. Box 115050  
 Gainesville, FL 32611-5050  
 Telephone: (352)392-1256; Fax: (352)392-6378  
 Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

**REQUEST FOR BID**

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB07MW-101, W/O 862693, Replace Chiller No. 2 and Cooling Tower No. 1 at Holland Law Chiller Plant, estimated budget: \$650,000 to \$700,000, to be opened August 10, 2006, at 2:00 p.m., Local Time. Scope of work: Demolition of existing chiller and cooling tower, and relocation of existing chiller. Installation of new chiller, cooling tower, pumps and air associated electrical work. Mandatory Pre-Bid Meeting will be held July 18, 2006, at 10:00 a.m., in the Physical Plant Division, Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. Pre-qualification Forms are due July 25, 2006, at 4:30 p.m. Specifications and Plans are available in Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to: Karen Olitsky, Purchasing and Disbursement Services, [kolitsk@ufl.edu](mailto:kolitsk@ufl.edu) or (352)392-1331, ext. 224.

AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331, within three (3) days of the event.

**NOTICE TO PROFESSIONAL CONSULTANTS**

Florida Gulf Coast University Board of Trustees announces that Professional Services in the discipline of architecture will be required for the project listed below:

Project No. BR-1043

Project and Location: Botanical Garden Laboratory Building  
 Naples, Florida

**Description of Project**

This building will be built on the site of the Naples Botanical Garden in Naples, Florida and will be utilized jointly by Florida Gulf Coast University and NBG staff and faculty.

In general, the building will contain approximately 15,000 square feet and will be one story in height. The design of the building will have a distinct appearance and establish a design standard for other future NBG buildings.

The project will utilize the Construction Management Delivery method. The selected firm will provide design, construction documents, and administration services for the referenced project. The estimated cost of construction is approximately \$3,990,000 and the total project budget is \$5,000,000.

**Instructions:**

Firms desiring to apply for consideration shall submit a letter of application.

The letter of application should have attached the following:

1. A completed Board of Regents "Professional Qualifications Supplement," dated September 1999. Applications on any other form will not be considered.
2. A copy of the applicant's current Professional Registration Certificate from the appropriate governing board. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.

Submit five (5) copies of the above requested data bound in the order listed above. Applications, which do not comply with the above instructions, may be disqualified. Application materials will not be returned. The plans and specifications for State University System projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes. As required by Section 287.133, Florida Statutes, a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontract, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Professional Qualifications Supplement forms, descriptive project information, and selection criteria may be obtained by contacting: Mr. Jack Fenwick, Director of Facility Planning, 10501 FGCU Blvd. South, Fort Myers, Florida 33965-6565, Phone (239)590-1500, Fax (239)590-1505.



Submittals must be received in the Facilities Planning Office, by 3:00 p.m., local time, on July 31, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Request for Qualifications (RFQ)  
Professional Services For

Annual Contract for Architectural Roofing Services

The Office of Facilities Design and Construction announces that professional services are required for an annual contract for Architectural Roofing Services for Duval County Public Schools. The firm(s) selected under an annual contract will be responsible for assigned projects having estimated construction costs not exceeding the threshold amounts of \$1,000,000 (Construction), provided for in Section 287.055, Florida Statutes. This will be a multiple award contract for an initial period of one year with an option to renew for two additional one-year periods.

Applications are to be sent to:

Thomas C. Young  
Facilities Design and Construction  
1701 Prudential Drive – 5th Floor  
Jacksonville, FL 32207

PROJECT MANAGER: James L. Womack  
PHONE NO.: (904)390-2279  
RESPONSE DUE DATE: RFQs ARE DUE ON OR BEFORE AUGUST 1, 2006 AND WILL BE ACCEPTED UNTIL 4:30 p.m.

MBE GOALS: Encouragement

Information on the selection process can be found at [www.educationcentral.org/facilities](http://www.educationcentral.org/facilities) under Selection Booklets. Applicants are advised that all plans, drawings and specifications for this project may be reused by the Owner as a prototype for future projects in the District.

NASSAU COUNTY SCHOOL BOARD  
NOTICE OF INTENT TO BID

Sealed bids will be received by the Food Service Director of the School Board of Nassau County Florida, at 1201 Atlantic Avenue, Food Service Office, Fernandina Beach, FL 32034 up until 2:30 p.m., July 10, 2006, at which time and place bids received will be tabulated for furnishing the following for the period of August 7, 2006 through August 6, 2007.

The estimated dollar value of Healthy Beverage Distribution and Services Bid, Bid #2006-07 is \$80,000.00 annually. This will include delivery to 1 schools.

Only vendors who request a bid package in person, in writing, or by fax will receive the complete bid package. Call (904)491-9924 or Fax (904)277-9033.

**DEPARTMENT OF COMMUNITY AFFAIRS**

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM and WEATHERIZATION LOW INCOME HOME ENERGY ASSISTANCE PROGRAM WAIVER FOR LIHEAP FUNDING INCREASE

The Department of Community Affairs is seeking written public comments on a proposal to submit a Standard Waiver Request to the U.S. Department of Housing and Human Services (HHS).

COMMENT PERIOD ENDS: July 6, 2006

COMMENTS SUBMITTED TO: Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or FAX (850)488-2488.

PURPOSE: Public comments on preparing a Standard Waiver Request to HHS for increasing the percentage of Low-Income Home Energy Assistance Program (LIHEAP) funding for allocating to the Weatherization Assistance Program/LIHEAP (WAP/LIHEAP). Historically fifteen percent of LIHEAP funding has been provided to the WAP/LIHEAP for performing weatherization activities on low-income client homes in accordance with U.S. Department of Energy (DOE) guidelines and regulations. However, for FY 2006-2007 the LIHEAP has received an additional funding allocation. Thus the reason for this request of an increase from fifteen percent (15%) to twenty percent (20%). This increase will apply only to the additional \$23,001,621 awarded to the state in March 2006. With a higher percentage of the additional funding being allocated to the WAP/LIHEAP, more low-income clients (LIHEAP referral and non-referral) will benefit from receiving weatherization services encompassing all of the DOE approved measures. This will assure that maximum energy savings are realized by the households served. This increase will not decrease the average number of clients that would receive LIHEAP services during the regular agreement period.

ACTIONS TO BE TAKEN: The Department of Community Affairs will review all comments received and make a decision in regard to whether to submit the Standard Waiver Request to HHS.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or FAX (850)488-2488. Anyone who wishes to be notified of the Department's decision may contact Mr. Norm Gempel, at the above address or telephone number, or by email at [norm.gempel@dca.state.fl.us](mailto:norm.gempel@dca.state.fl.us).

## 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

### NOTICE TO PROFESSIONAL CONSULTANTS PUBLIC ANNOUNCEMENT FOR PROFESSIONAL ENGINEERING SERVICES

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Civil/Environmental Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of: Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

#### INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search.criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form).
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF 254 for the office(s) that will be performing the work.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF254 for each subconsultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).

7. Names, addresses, and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel), and any other supporting information.

Submit one original letter of interest and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time, or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting after approval of the Secretary through the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search.criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form). It is the firm's responsibility to check the website for updated information.

Response Date: July 27, 2006, by 4:00 p.m., Eastern Daylight Time (EDT). Late submittals will not be opened or considered.

**PROJECT:** Provide Continuing Civil/Environmental Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

**CONTRACT TERM:** Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

**EXPERIENCE:** Candidate firms need to provide information regarding their experience and expertise in Civil/Environmental Engineering, along with their ability to

provide services related to surveying, geotechnical and hydro-geological engineering, environmental assessment and cleanup activities, and petroleum storage tank issues.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region II, thus the Region II Office located at 7765 South County Road 231 in Lake Butler, Florida, is designated as the project site for purposes of the selection process.

**NOTICE TO PROFESSIONAL CONSULTANTS  
PUBLIC ANNOUNCEMENT**

**FOR PROFESSIONAL ENGINEERING SERVICES**

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Civil/Environmental Engineering firms for the project listed below. Applications from qualified firms are to be sent to the attention of Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

**INSTRUCTIONS**

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search.criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form).
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.
3. Attach a current copy of the SF 254 for the office(s) that will be performing the work.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF254 for each subconsultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).

7. Names, addresses, and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references, (none from Department of Corrections current or former personnel) and any other supporting information.

Submit one original letter of interest and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time, or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. Under the authority delegated to the Secretary of the Department of Corrections by Florida Statute 287.055, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting after approval of the Secretary through the following website address: [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.search.criteria\\_form](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form). It is the firm's responsibility to check the website for updated information.

Response Date: August 1, 2006, by 4:00 p.m., Eastern Daylight Time (EDT). Late submittals will not be opened or considered.

**PROJECT:** Provide Continuing Civil/Environmental Engineering services for projects in which basic construction cost, for each project, does not exceed \$1,000,000, or for a study activity when the fee for professional services does not exceed \$50,000.

**CONTRACT TERM:** Services are for projects authorized within a two (2) year period with an option to renew for one (1) additional two (2) year period.

**EXPERIENCE:** Candidate firms need to provide information regarding their experience and expertise in Civil/Environmental Engineering, along with their ability to provide

services related to surveying, geotechnical and hydro-geological engineering, environmental assessment and cleanup activities, and petroleum storage tank issues.

LOCATION: Most of the work will be related to working on prototype designs for projects in Region III, thus the Region III Office located at 19225 U.S. Highway 27, in Clermont, Florida, is designated as the project site for purposes of the selection process.

**WATER MANAGEMENT DISTRICTS**

**REQUEST FOR QUALIFICATIONS 05/06-057 LM  
SUWANNEE SPRINGS SPRINGHOUSE PRESERVATION**

The Suwannee River Water Management District (District) is interested in obtaining the services of an incorporated Professional Engineering Firm with a valid State of Florida Certificate of Authorization or an independent Registered Florida Professional engineer (collectively referred to as “consultant”), specializing in the evaluation and preservation of historic structures. The purpose of this work is to 1) Evaluate the structural integrity of the Suwannee Springs springhouse; 2) Recommend measures for remediation and preservation. This recommendation should give consideration to both the structure and public use before and after spring restoration measures under consideration by the District; 3) Supervise implementation of these measures, if practicable. Deliverables shall consist of a report and recommendation. In addition, the consultant may be requested to present the findings to District staff and the Governing Board, and to conduct at least one public meeting. Should the recommendations be implemented, the consultant should expect to supervise implementation.

	Proposed Schedule
June 30, 2006	Request for Qualifications Advertised
July 28, 2006	Statements of Qualifications Due at SRWMD Headquarters 4:00 p.m.
August 9, 2006	4:00 p.m. Short-listing of Consultants
August 25, 2006	9:30 a.m. Professional Presentations
September 12, 2006	Request Governing Board Approval of Staff Recommendation

Additional information regarding this project is available on the District’s website, [www.mysuwanneeriver.com](http://www.mysuwanneeriver.com), or by contacting the project manager: Megan Wetherington, (386)362-1001 or [wetherington\\_m@srwmd.state.fl.us](mailto:wetherington_m@srwmd.state.fl.us). Qualification packages are also available on the website or by contacting: Gwen Lord, Administrative Assistant, (386)362-1001 or [lord\\_g@srwmd.state.fl.us](mailto:lord_g@srwmd.state.fl.us)

**NOTICE OF REQUEST FOR PROPOSALS  
NO. 05/06-053WR**

The Suwannee River Water Management District (SRWMD) is requesting proposals from firms or companies that provide, install and maintain flow meters that will automatically collect and transfer data (flow, levels or other parameters as needed), from various water supply systems and provide this data electronically to the District. These services encompass the disciplines of flow measurement within pipes and piping systems (flow meters), meter installation, telecommunications, automated network maintenance, and data management. The metering network will be comprised of separate groundwater or surfacewater pumping systems consisting of public supply systems, farms, dairies, etc. Any work proposed by the District as part of this Request for Proposal (RFP) is subject to District Governing Board approval and funding.

The document outlines the scope of services and all general and specific conditions associated with that scope. All proposals submitted to perform the requested services must be prepared in accordance with the RFP document.

A copy of this RFP is available at [www.srwmd.state.fl.us](http://www.srwmd.state.fl.us) or requests for the RFP document may be directed to:

Debbie Davidson, Administrative Assistant  
Suwannee River Water Management District  
9225 CR 49  
Live Oak, FL 32060  
(386)362-1001 or (800)226-1066 (Florida only)

A mandatory pre-bid conference will be held at the District headquarters on July 25, 2006, at 9:00 a.m. All questions concerning the RFP must be emailed to: Debbie Davidson, [davidson\\_d@srwmd.state.fl.us](mailto:davidson_d@srwmd.state.fl.us) or faxed to her at (386)362-1056, no later than 4:00 p.m., on August 1, 2006. To receive responses to questions sent to the District, a Contractor Registration Form must be emailed or faxed to the District no later than August 1, 2006, at 4:00 p.m. Responses to the questions will be emailed on August 11, 2006, to individuals as outlined in the RFP.

The proposals are due at SRWMD headquarters in Live Oak prior to 3:45 p.m., August 18, 2006.

**DEPARTMENT OF MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT FOR  
CONSTRUCTION MANAGEMENT AT RISK SERVICES  
REQUEST FOR QUALIFICATIONS (RFQ):** State of Florida licensed general contractor firms to submit for Construction Management at Risk contract on the following two (2) projects:

PROJECT NUMBERS: (A) DOS-24012040  
(B) DOS-24012050

PROJECT NAMES: (A) Messer House and Garage Apartment Relocation, and (B) New Interpretive Center and Parking Lot Expansion, Mission San Luis

PROJECT LOCATION: Tallahassee, Leon County, Florida

SERVICES TO BE PROVIDED: (A) DOS-24012040 – relocation and rehabilitation of the 1938 Messer House and Garage Apartment, and restoration of the seventeenth century Plaza to facilitate expanded public interpretation and education programs at the colonial settlement being recreated at this 17th century National Historic Landmark archaeological site. (B) DOS-24012050 – to provide preconstruction, and construction services for a new Interpretive Center and expansion of the existing parking lot.

SPECIAL NOTE: Only one selected firm will manage both projects simultaneously at the Mission San Luis in Tallahassee Florida.

For details please visit the Department’s Web site listed below and click on “Search Advertisements – Division of Real Estate Development and Management.” [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu)

**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 XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA06-OR-133

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: MONROE COUNTY LAND DEVELOPMENT REGULATIONS ADOPTED BY MONROE COUNTY

ORDINANCE NO. 017-2006

**FINAL ORDER**

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005),

approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Monroe County is a local government within the Florida Keys Area.
2. On April 26, 2006, the Department received for review Monroe County Ordinance No. 017-2006 (“Ord. 017-2006”).
3. The final order for this Ordinance must be signed by June 23, 2006.
4. The purpose of the Ordinance is to protect the affordable housing stock available to moderate and median-income residents and the critical workforce.
5. Ordinance 017-2006 is consistent with the 2010 Monroe County Comprehensive Plan.

**CONCLUSIONS OF LAW**

6. The Department is required to approve or reject land development regulations that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. § 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
7. Monroe County is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005) and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
8. “Land development regulations” include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 017-2006 are land development regulations.
9. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the “Principles”) as set forth in § 380.0552(7), Fla. Stat. See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff’d*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
10. Ord. 017-2006 promotes and furthers the following Principles:

(a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.

(j) To make available adequate affordable housing for all sectors of the population 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. 017-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 017-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

TRACY D. SUBER  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A

WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 20th day of June, 2006.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Charles McCoy  
Mayor of Monroe County  
500 Whitehead Street, Suite 102  
Key West, Florida 33040

Danny L. Kolhage  
Clerk to the Board of County Commissioners  
500 Whitehead Street  
Key West, Florida 33040

Aref Joulani  
Acting Director  
Planning and Environmental Resources  
2798 Overseas Highway, Suite 400  
Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-145

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In Re: LAND DEVELOPMENT REGULATIONS  
ADOPTED BY CITY OF KEY WEST ORDINANCE  
ORDINANCE NO. 06-10

\_\_\_\_\_  
FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2005), approving a land development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On May 8, 2006 the Department received for review City of Key West Ordinance No. 06-10, which was adopted by the City of Key West City Commission on May 2, 2005 ("Ord. 06-10"). Ord. 06-10 amends Chapter 90 of the Code of Ordinances entitled "Administration" by amending Section 90-51 to state the city commission finds a public purpose in coordinating local planning with the Monroe County School Board and the U.S. Military. Ord. 06-10 amends Section 90-54 to add nonvoting ex-officio

members from the Monroe County School District and Naval Air Station Key West to the Planning Board. Ord. 06-10 amends Section 90-58 to insert the word "voting". Ord. 06-10 amends Section 90-62 to insert the word "voting".

3. Ord. 06-10 is consistent with §§ 163.31777 and 163.3175, Fla. Stat. (2005).
4. Ord. 06-10 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2005).
6. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2005) and Rule 28-36.001, Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2005). The regulations adopted by Ord. 06-10 are land development regulations.
8. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd., 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code.
9. Ord. 06-10 promotes and furthers the following Principles in subsection 28-36.003(1), F.A.C.:
  - (a) To strengthen local government capabilities for managing land use and development.
  - (f) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments, including the Key West Naval Air Station.
  - (h) 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.
10. Ord. 06-10 is not inconsistent with the remaining Principles. Ord. 06-10 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-10 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

Tracy D. Suber  
State Planning Administrator  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT

REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN RULE 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 20th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
The Honorable Morgan McPherson  
Mayor, City of Key West  
P. O. Box 1409  
Key West, Florida 33041



Cheryl Smith  
 Clerk to the City Commission  
 P. O. Box 1409  
 Key West, Florida 33041

Robert Tischenkel  
 City Attorney  
 P. O. Box 1409  
 Key West, FL 33041

**NOTICE OF PROJECT APPROVAL AND FUNDING**

The Florida Communities Trust (Trust) has approved funding applications submitted under the Florida Communities Trust Florida Forever Program, Series FF5 funding cycle. On September 15, 2005, applications were scored, ranked and selected for funding according to the criteria and procedures set forth in Rule Chapter 9K-7, F.A.C. At the time of the Board meeting, the following projects were not selected for funding; however, since that time, funding has become available and the projects are now selected for funding.

In accordance with Rule 9K-7.009, F.A.C., the projects are considered to have received approval for funding. The funds awarded are from the sale of Florida Forever bonds. Those applications approved for funding and the amount of funding approved are listed below. The approval is subject to appeal and may change following the appeals process. For this reason, final approval of awards cannot be made until any appeals have been resolved.

The following projects were approved for funding with funds currently available:

Selected/Funded Project No. Project Name	Applicant	Amount
05-020-FF5 Bayshore Park Phase II	Charlotte County	\$374,925.00
05-048-FF5 Davie Farm Park	Town of Davie	\$5,870,025.00
05-005-FF5 High Springs Reservoir Park	Alachua County – City of High Springs	\$228,750.00

**NOTICE OF ADMINISTRATIVE HEARING RIGHTS**

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to an informal administrative proceeding pursuant to Section 120.57(2), F.S., if the person does not dispute issues of material fact raised by this decision. If an informal proceeding is held, the petitioner will have the opportunity to be represented by counsel, to present to the agency written or oral evidence in opposition to the Trust action, or to present a written statement challenging the legal grounds upon which the Trust is justifying its actions.

Alternatively, any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust has a right to a formal administrative hearing pursuant to Section 120.57(1), F.S., if the person disputes any issues of material fact stated in this decision. At a formal hearing the petitioner may be represented by counsel, and 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 order or hearing officer’s recommended order.

If a person with a substantial interest desires either an informal proceeding or a formal hearing, the person must file with the Trust Clerk a written response or pleading entitled “Petition for Administrative Proceedings” within 21 calendar days of the publication date of this notice of final agency action. The petition must be in the form required by Rule 18-106.201, F.A.C. A petition is filed when it is received by the Trust Clerk at 2555 Shumard Oak Boulevard, Tallahassee, FL 32399-2100. A petition must specifically request an informal proceeding or a formal hearing, it must admit or deny each material fact contained in this decision, and it must state any defenses upon which the petitioner relies. If the petitioner lacks knowledge of a particular allegation of fact, it must so state and that statement will operate as a denial.

Any person with substantial interests that are or may be determined by the approval of funds for projects by the Trust waives the right to an informal proceeding or a formal hearing if a Petition for Administrative Proceeding is not filed with the Trust Clerk within 21 days of the date of publication of the notice of final agency action.

**DEPARTMENT OF TRANSPORTATION**

The Florida Department of Transportation intends to issue an “Airport Site Approval Order,” in accordance with Chapter 330, Florida Statutes, “Regulation of Aircraft, Pilots, and Airports” and Chapter 14-60, Florida Administrative Code, “Airport Licensing, Registration, and Airspace Protection” for the following site:

The WrightWay, a private airport, in Miami-Dade County, at Latitude 25° 31' 040" and Longitude 080° 30' 000", to be owned and operated by Mr. George Wright, 26720 S. W. 197th Ave., Homestead, FL 33031.

A copy of the Airport Site Approval Order, the Airport’s application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

**NOTICE OF CANCELLATION**

Notice is hereby given that the Notice for a New Point Franchise Motor Vehicle Dealer for Comfort Scooters, Inc., Hollywood, Florida, published in Vol. 32, No. 25, June 23, 2006, has been cancelled.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyundai Motor America, intends to allow the establishment of Red Hoagland Hyundai, Inc., d/b/a Red Hoagland Hyundai, as a dealership for the sale of Hyundai automobiles at Winter Haven (Polk County), Florida, on or after October 31, 2007.

Legal Description

A portion of the Southeast quarter of Section 2, Township 29 South, Range 26 East, Polk County, Florida, lying North of State Road 540, being more particularly described as follows:

Commence at the intersection of the North right of way boundary of said State Road 540 and the East boundary of the Southeast quarter of said Section 2, thence N71°24'05"W, along said North right of way boundary, 450.00 feet to the Point of Beginning; thence continue N71°24'05"W along said right of way boundary, 420.15 feet; thence N18°35'55"E, perpendicular to said North right of way boundary, 376.41 feet; thence S71°24'05"E, parallel with said North right of way boundary, 121.75 feet; thence N67°36'34"E, a distance of 173.88 feet; thence S71°24'05"E, parallel with said North right of way boundary, 167.15 feet; thence S18°35'55"W, perpendicular to said North right of way boundary, 490.46 feet, returning to the Point of Beginning.

The name and address of the dealer operator(s) and principal investor(s) of Red Hoagland Hyundai, Inc., d/b/a Red Hoagland Hyundai are dealer operator(s): George Hoagland, Jr., 5325 14th Street West, Bradenton, Florida 34207; principal

investor(s): George Hoagland, Jr., 5325 14th Street West, Bradenton, Florida 34207 and George "Red" Hoagland, Sr., 5325 14th Street, West, Bradenton, Florida 34207.

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: Tim Wallwork, Market Representation Manager, Hyundai Motor America, 270 Riverside Parkway, Suite A, Austell, Georgia 30168.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for 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 Piaggio Group America, Inc. ("Piaggio"), intends to allow the establishment of Distinctive Cycles, Inc., as a dealership for the sale of Piaggio and Vespa motorcycles at 18291 Highway 331 South, Freeport (Walton County), Florida 32439, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Distinctive Cycles, Inc., are dealer operator(s): Jerry Byrd, 18291 Highway 331 South, Freeport, Florida 32439; principal investor(s): Jerry Byrd, 18291 Highway 331 South, Freeport, Florida 32439.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be

submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Paralegal/Assistant Administrator, Piaggio Group Americas, Inc., 140 East 45th Street, 17C, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of Less  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Motomojo, Inc., intends to allow the establishment of Bellamy's Outdoor Sports, Inc., as a dealership for the sale of Qianjiang (Qian) and Chuanl (Chua) motorcycles at 2273 Crawfordville Highway, Crawfordville (Wakulla County), Florida 32327, on or after June 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Bellamy's Outdoor Sports, Inc., are dealer operator(s): Louis Owen Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327 and Karen L. Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327; principal investor(s): Louis Owen Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327 and Karen L. Bellamy, 2273 Crawfordville Highway, Crawfordville, Florida 32327.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Paul D. Kerns, CEO, Motomojo, Inc., 3762 B. Dekalb Technology Parkway, Atlanta, Georgia 30340.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, LS MotorSports, LLC, intends to allow the establishment of Ali-J Inc., d/b/a Freedom PowerSports, as a dealership for the sale and service of Diamo motorcycles at 941 Country Club Boulevard, Cape Coral (Lee County), Florida 33990, on or after March 23, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Ali-J Inc., d/b/a Freedom PowerSports, are dealer operator(s): Jeffrey Free, 941 Country Club Boulevard, Cape Coral, Florida 33990; principal investor(s): Jeffrey Free, 941 Country Club Boulevard, Cape Coral, Florida 33990 and Allison Free, 941 Country Club Boulevard, Cape Coral, Florida 33990.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mathu Solo, President, LS MotorSports, LLC, 2550 East Desert Inn Road, #40, Las Vegas, Nevada 89121.

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.

Environmental Protection's home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

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, American IronHorse Motorcycle Company, intends to allow the establishment of 2 Wheel Investment Group, Inc., d/b/a Big Bike of Jacksonville, as a dealership for the sale of American IronHorse motorcycles at 3842 Sunbeam Road, Jacksonville (Duval County), Florida 32257, on or after June 9, 2006.

The name and address of the dealer operator(s) and principal investor(s) of 2 Wheel Investment Group, Inc., d/b/a Big Bike of Jacksonville are dealer operator(s): Keith L. Berryman, 2011 Sandhill Crane Drive, Jacksonville, Florida 32224; principal investor(s): Richard L. Berryman, 10821 Peaceful Harbor Drive, Jacksonville, Florida 32218.

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: Gary Sipes, Director of Sales, American IronHorse Motorcycle Company, Inc., 4600 Blue Mound Road, Fort Worth, Texas 76106.

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

**REGIONAL PLANNING COUNCILS**

The North Central Florida Regional Planning Council has published a draft report of the region's Comprehensive Economic Development Strategy (CEDS) report. Prior to submitting this report to the Economic Development Administration, a 30 day period of public comment is required. PUBLICATION: We are publishing the draft 2005-2006 report. This information will be available on the Regional Planning Council website at [www.ncfrpc.org](http://www.ncfrpc.org). Copies will also be available upon request from the business address listed at the end of this notice.

DATE AND TIME: Public comment period will be from publication of this notice through August 10, 2006, 5:00 p.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The annual economic development strategy for the North Central Florida Regional Planning Council region. Comments will be forwarded to the Regional Planning Council for consideration at its August meeting.

COMMENTS: Comments should be received no later than August 10, 2006, 5:00 p.m., and can be submitted by emailing [moraski@ncfrpc.org](mailto:moraski@ncfrpc.org) or writing to: Jayne Moraski, Economic Development Director, NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

**LAND AND WATER ADJUDICATORY COMMISSION**

NOTICE OF RECEIPT OF PETITION  
SIX MILE CREEK

COMMUNITY DEVELOPMENT DISTRICT

On April 27, 2006, the Florida Land and Water Adjudicatory Commission ("FLWAC" or "Commission") received a petition to establish the Six Mile Creek Community Development District (the "District"). The Commission will follow the requirements of Chapter 42-1, Florida Administrative Code (FAC), as amended, and Chapter 190, Florida Statutes (F.S.), as amended, in ruling on this petition.

SUMMARY OF CONTENTS OF PETITION: The petition, filed by Six Mile Creek Ventures, LLC, requests the Commission establish a community development district located entirely within the unincorporated limits of St. Johns County, Florida. The land area proposed to be served by the District comprises approximately 1,282.15 acres. A general location map is contained as Exhibit 1 to the petition to establish the District. The proposed land area is east of Joe Ashton Road, north of County Road 208, west of Pacetti Road and south of the intersection of Pacetti Road and State Road 16. There is one excluded parcel within the boundary of the proposed District at 5405 S.R. 16, St. Augustine, Florida. No adverse impacts on the excluded parcel are anticipated. The

Petitioner either owns or has written consent to establish the District from the owners of 100% of the real property located within the proposed District. The development plan for the District includes construction of approximately 2,278 units of single family detached, single family attached units and multi-family housing. The District contemplates providing certain master infrastructure improvements within the boundaries to include clearing, earthwork, water, sewer, stormwater, internal roadways, street lighting, neighborhood parks and sodding.

**SUMMARY OF ESTIMATED REGULATORY COSTS:** The statement of estimated regulatory costs (SERC) supports the petition to establish the District. The complete text of the SERC is contained as Exhibit 9 to the petition. The scope of the SERC is limited to evaluating the regulatory costs consequences of approving the proposal to establish the District. The requirements for a SERC are found in Section 120.541(2), F.S. A SERC must contain (a) a good faith estimate of the number of individuals and entities likely to be required to comply with the rule, together with a description of the types of individuals likely to be affected by the rule; (b) a good faith estimate of the costs to the agency, and to any other state and local government entities, of implementing and enforcing the proposed rule, and any anticipated effect on state or local revenues; (c) a good faith estimate of the transactional costs likely to be incurred by individuals and entities, including local governmental entities, required to comply with the requirements of the rule; (d) an analysis of the impact on small businesses, small counties, and small cities; (e) any additional information that the agency determines may be useful; and (f) any good faith written proposal submitted under section (a) and either a statement adopting the alternative or a statement rejecting the alternative in favor of the proposed rule. Addressing section (a), the principal entities that are likely to be required to comply with the rule include the District, the State of Florida, and St. Johns County. In addition, current and future property owners will be affected by the establishment of the proposed District. Under section (b), FLWAC and the State of Florida will incur modest administrative costs. St. Johns County will incur modest costs resulting from the initial review and on-going costs resulting from the on-going administration of the District. There is a \$15,000 filing fee paid to St. Johns County to offset any costs it may incur. Adoption of the proposed rule to approve the formation of the District will not have an adverse impact on State and local revenues. Addressing section (c), the District may levy non-ad valorem special assessments on properties within its boundaries to finance infrastructure that the District funds and to defray the costs of operating and maintaining the infrastructure and associated community facilities. The District may issue notes, bonds, or other indebtedness to fund its improvement program. Prospective future land owners would be required to pay off such indebtedness over time in the form of non-ad valorem special assessments or other rates, fees or charges. The District

may also impose an annual levy for the operation and maintenance of the District. Under section (d), approval of the petition to establish the District will have no impact or a positive impact on all small businesses. The petition to establish the District will not have an impact on small counties as defined by Section 120.52, F.S., as St. Johns County is not defined as a small county. Under section (e), the analysis provided in the SERC was based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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

**DATE AND TIME:** Wednesday, July 19, 2006, 9:00 a.m.

**PLACE:** City Hall, Alcazar Room, The Lightner Building, 75 King Street, St. Augustine, Florida

Any person requiring a special accommodation to participate in the hearing because of a disability should contact Jonathan Johnson, (850)222-7500, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

Copies of the petition may be obtained by contacting: 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.

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#### **AGENCY FOR HEALTH CARE ADMINISTRATION**

The Agency for Health Care Administration has received an application for services exemption from Capital Regional Medical Center, Tallahassee, Florida, pursuant to Section 395.1041(3), Florida Statutes, and Rule 59A-3.207, Florida Administrative Code. The service category requested is Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to the: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, (850)414-0360 or e-mail sharpd@ahca.myflorida.com

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#### **CERTIFICATE OF NEED**

##### **DECISIONS ON BATCHED APPLICATIONS**

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for Hospital Beds and Facilities batching cycle with an application due date of March 15, 2006:

County: Pasco Service District: 5  
 CON # 9912 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: Florida Hospital Wesley Chapel, Inc.

Applicant: Florida Hospital Wesley Chapel, Inc.  
 Project Description: Establish a Class I hospital of 80 acute care beds  
 Approved Cost: \$0  
 County: Pasco Service District: 5  
 CON # 9913 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: University Community Hospital, Inc.  
 Applicant: University Community Hospital, Inc.  
 Project Description: Establish a Class I hospital of 68 acute care beds  
 Approved Cost: \$0  
 County: Pasco Service District: 5  
 CON # 9914 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: BayCare of Southeast Pasco, Inc.  
 Applicant: BayCare of Southeast Pasco, Inc.  
 Project Description: Establish a Class I hospital of 80 acute care beds  
 Approved Cost: \$0  
 County: Orange Service District: 7  
 CON # 9915 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: The Nemours Foundation  
 Applicant: The Nemours Foundation  
 Project Description: Establish a Level II NICU of 5 beds  
 Approved Cost: \$0  
 County: Orange Service District: 7  
 CON # 9916 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: The Nemours Foundation  
 Applicant: The Nemours Foundation  
 Project Description: Establish a Level III NICU of 8 beds  
 Approved Cost: \$0  
 County: Orange Service District: 7  
 CON # 9917 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: The Nemours Foundation  
 Applicant: The Nemours Foundation  
 Project Description: Establish a Class II children's hospital of 82 acute care beds  
 Approved Cost: \$0  
 County: Osceola Service District: 7  
 CON # 9918 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: Poinciana Hospital and Medical Center  
 Applicant: Osceola Regional Hospital, Inc.  
 Project Description: Establish a Class I hospital of 60 acute care beds  
 Approved Cost: \$0  
 County: Broward Service District: 10  
 CON # 9920 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: North Broward Hospital District

Applicant: North Broward Hospital District  
 Project Description: Establish a Class I hospital of 144 acute care beds  
 Approved Cost: \$0  
 County: Dade Service District: 11  
 CON # 9921 Decision Date: 6/16/2006 Decision: D  
 Facility/Project: Mount Sinai Medical Center of Florida, Inc.  
 Applicant: Mount Sinai Medical Center of Florida, Inc.  
 Project Description: Establish a Class I hospital of 90 acute care beds  
 Approved Cost: \$0

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

CERTIFICATE OF NEED  
 NOTICE OF WITHDRAWAL

The Agency for Health Care Administration hereby notices withdrawal from review of the following Certificate of Need applications:

County: Charlotte Service District: 8  
 CON # 9919 Decision Date: 6/15/2006 Decision: W  
 Facility/Project: Peace River Regional Medical Center  
 Applicant: Port Charlotte HMA  
 Project Description: Establish a 10-bed Level II NICU

A request for administrative hearing, if any, must be made in writing and must be actually received by this department within 21 days of the first day of publication of this notice in the Florida Administrative Weekly pursuant to Chapter 120, Florida Statutes, and Chapter 59C-1, Florida Administrative Code.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

PURPOSE: To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

PROPOSED RATES: Effective July 1, 2006, the proposed rates for Medicaid inpatient hospitals will be rates resulting from revised methodology used to calculate per diem rates, special Medicaid payments (SMPs), and disproportionate share (DSH) payments as follows:

#### HOSPITAL INPATIENT SERVICES

1. \$59,233,070 is provided to eliminate the inpatient reimbursement ceilings for hospitals whose charity care and Medicaid days, as a percentage of total adjusted hospital days, equal or exceed 11 percent. For any public hospital that does not qualify for the elimination of the inpatient ceilings under this section or any other section, the public hospital shall be exempt from the inpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The agency shall use the average of the 2000, 2001 and 2002 audited DSH data available as of March 1, 2006. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2000, 2001 and 2002 that are available.
2. \$3,270,205 is provided to eliminate the inpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
3. \$86,544,883 is provided to eliminate the inpatient hospital reimbursement ceilings for hospitals whose Medicaid days as a percentage of total hospital days exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are a designated or provisional trauma centers on July 1, 2006 and any hospitals that become a designated or provisional trauma center during State Fiscal Year 2006-2007. The agency shall use the average of the 2000, 2001 and 2002 audited DSH data available as of March 1, 2006. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2000, 2001 and 2002 that are available.
4. \$9,932,000 is provided to make Medicaid payments to hospitals. These payments shall be used to pay approved liver transplant facilities a global fee for providing transplant services to Medicaid recipients.
5. \$246,408,972 is provided to eliminate the inpatient reimbursement ceilings for teaching, specialty, Community Hospital Education Program hospitals and Level III Neonatal Intensive Care Units that have a minimum of three of the following designated tertiary services as regulated under the certificate of need

program: pediatric bone marrow transplantation, pediatric open heart surgery, pediatric cardiac catheterization and pediatric heart transplantation.

6. Effective July 1, 2006, in accordance with the approved Medicaid Reform Section 1115 Demonstration, Special Terms and Conditions 100(b), the current inpatient supplemental payment upper payment limit (UPL) program is terminated.
7. Effective July 1, 2006, in accordance with the approved Medicaid Reform Section 1115 Demonstration, Special Terms and Conditions 100(c), the inpatient hospital payments for Medicaid eligibles will be limited to Medicaid cost as defined in the CMS 2552-96.

#### DISPROPORTIONATE SHARE (DSH) HOSPITALS

1. \$141,124,815 is provided for payments to regular DSH.
2. \$60,000,000 is provided for payments to General Medical Education (GME) hospitals.
3. \$60,998,691 is provided for payments to mental health DSH.
4. \$2,444,444 is provided for payments to specialty DSH.
5. The minimum number of Medicaid days for non-state government owned or operated hospitals has been reduced from 3,300 days to 3,100 days.

METHODOLOGIES: The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the 2006-07 General Appropriations Act, House Bill 5001 and the 2006-07 Health Care Implementing Bill, House Bill 5007.

JUSTIFICATION: The justification for the proposed state plan amendment is House Bill 5001, 2006-07 General Appropriations Act, Specific Appropriations 213, 214, 245, 246 and the 2006-07 Health Care Implementing Bill, House Bill 5007.

State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 17, 2006.

Copies of the proposed reimbursement plan incorporating the above changes are not available at this time. Please contact the person listed above for a copy once it is available.

The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

1. \$7,704,802 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose charity care and Medicaid days as a percentage of total adjusted hospital days equals or exceeds 11 percent. For any public hospital that does not qualify for the elimination of the outpatient ceilings under this section, the public hospital shall be exempt from the outpatient reimbursement ceilings contingent on the public hospital or local governmental entity providing the required state match. The Agency shall use the average of the 2000, 2001 and 2002 audited DSH data available as of March 1, 2006. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2000, 2001 and 2002 that are available.
2. \$387,284 is provided to eliminate the outpatient reimbursement ceilings for hospitals that have a minimum of ten licensed Level II Neonatal Intensive Care Beds and are located in Trauma Services Area 2.
3. \$11,223,355 is provided to eliminate the outpatient reimbursement ceilings for hospitals whose Medicaid days, as a percentage of total hospital days, exceed 7.3 percent, and are designated or provisional trauma centers. This provision shall apply to all hospitals that are designated or provisional trauma centers on July 1, 2006 or become a designated or provisional trauma center during State Fiscal Year 2006-2007. The agency shall use the average of the 2000, 2001 and 2002 audited DSH data available as of March 1, 2006. In the event the agency does not have the prescribed three years of audited DSH data for a hospital, the agency shall use the average of the audited DSH data for 2000, 2001 and 2002 that are available.

**PROPOSED RATES:** Effective July 1, 2006, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

**JUSTIFICATION:** The justification for the proposed rate change is based on the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2006. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 17, 2006.

Please contact the person listed above for a copy of the State Plan Amendment when available.

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The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis, provides the following public notice regarding reimbursement for inpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for inpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Inpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2006, the proposed rates for Medicaid inpatient hospitals will be rates resulting from revised methodology used to calculate per diem rates.

Effective July 1, 2006, the reduction implemented during the period July 1, 2005 through June 30, 2006 shall become a recurring annual reduction. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid inpatient hospitals will be rates resulting from the 2006-07 General Appropriations Act, House Bill 5001.



**JUSTIFICATION:** The justification for the proposed state plan amendment is House Bill 5001, 2006-07 General Appropriations Act.

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The Florida Agency for Health Care Administration (the Agency), Bureau of Medicaid Program Analysis provides the following public notice regarding reimbursement for outpatient hospitals participating in the Florida Medicaid Program.

**PURPOSE:** To comply with federal public notice requirements in Section 1902(a)(13)(A) of the Social Security Act in changing reimbursement for outpatient hospitals, the Agency is publishing the proposed rates, the methodologies underlying the establishment of such rates, and justifications for the proposed rates. The Agency is in the process of amending its Title XIX Outpatient Hospital Reimbursement Plan (The Plan) to incorporate changes to the reimbursement methodology.

**PROPOSED RATES:** Effective July 1, 2006, the proposed rates for Medicaid outpatient hospitals will be rates resulting from the revised methodology used to calculate per diems including appropriations from the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

Effective July 1, 2006, the reduction implemented during the period July 1, 2005 through June 30, 2006 shall become a recurring annual reduction. This recurring reduction, called the Medicaid Trend Adjustment, shall be applied proportionally to all rates on an annual basis.

**METHODOLOGIES:** The methodology underlying the establishment of the proposed rates for Medicaid Outpatient Hospitals will be rates resulting from the current methodology used to calculate per diems including the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

**JUSTIFICATION:** The justification for the proposed rate change is based on the 2006-07 General Appropriations Act, House Bill 5001, Specific Appropriation 217.

The Agency is proposing the above rates and changes in methodology, effective July 1, 2006. Providers, beneficiaries and their representatives, and other concerned State residents may provide written comment on the proposed rates, methodologies and justification underlying the establishment of such rates. Written comments may be submitted to: Edwin Stephens, Agency for Health Care Administration, 2727

Mahan Drive, Building 3, Mail Stop 21, Tallahassee, Florida 32308. Written comments should be submitted no later than July 17, 2006.

Please contact the person listed above for a copy of the State Plan Amendment when available.

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## **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

### **NOTICE OF QUOTA LIQUOR LICENSE DRAWINGS**

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation announces Quota Liquor License Drawings to which all persons are invited for the following counties: BAY(1), BREVARD\* (3), BROWARD (4) , CLAY (1), COLLIER (2), DADE (4), DUVAL (3), FLAGLER (1), FRANKLIN\* (1), HERNANDO (1), HILLSBOROUGH (4), INDIAN RIVER (1), LAKE (2), LEE (4), LEON (1), MANATEE (1), MARION (1), MARTIN (1), ORANGE (4), OSCEOLA (2), PALM BEACH (4), PASCO (2), POLK (4), ST. JOHNS (1), ST. LUCIE (2), SARASOTA (1), SEMINOLE (1), SUMTER (1), VOLUSIA (2), WALTON (1).

**DATE AND TIME:** July 6, 2006, 9:00 a.m.

**PLACE:** Department of Business and Professional Regulation, Northwood Centre, Alcoholic Beverages and Tobacco Conference Room, 1940 North Monroe Street, Tallahassee, FL

**PURPOSE:** To conduct double random computer drawings from the pool of qualified applicants for new quota liquor licenses in each of the above referenced counties and establish each qualified applicant's standing to receive one of the new licenses. Those applicants chosen in the drawings will be notified by certified mail of their eligibility to apply for a license.

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## **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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**DEPARTMENT OF JUVENILE JUSTICE**

The Florida Department of Juvenile Justice has posted a revised policy for review and comment on MyFlorida.com at: [http://www.djj.state.fl.us/policies\\_procedures/policy\\_review.html](http://www.djj.state.fl.us/policies_procedures/policy_review.html) (note this is a new location on the Department's website).

Electronic Mail (E-Mail) Access And Use (FDJJ 1220, department-wide policy type A) establishes electronic mail resources to support its employees in the performance of their assigned duties and responsibilities and sets forth the Department of Juvenile Justice's policy with regard to use of, access to, and disclosure of electronic mail to assist in ensuring that the Department resources serve those purposes.

This policy is posted for a single 20 working day review and comment period, with the closure date for submission of comments on this policy of July 28, 2005. Responses to comments received will be posted during the review period to the extent possible, but no later than 10 working days after the end of the review period on the above Website.

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**DEPARTMENT OF HEALTH**

On June 16, 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 Stephanie Ann McGowin, R.N. license number RN 9226205. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 19, 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 Nina Stack, R.Ph., license number PS 27019. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6),

Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 16, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Edward Walters, D.D.S., license number DN 7036. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 16, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Restriction with regard to the license of Abbe Silverberg-Aroschas, D.D.S., license number DN 13985. This Emergency Restriction Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On June 21, 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 Michael A. Marcon, R.Ph., license number PS 27416. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

The Department of Children and Family Services has conducted a survey to determine the need for new medication (methadone) treatment service providers, pursuant to Section 397.427, Florida Statutes, and administrative rules adopted thereunder. The specific service to be added is outpatient methadone maintenance treatment. A notice of the survey results will be published by July 28, 2006.

Questions regarding this matter may be directed to: Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 6, Room 305, Tallahassee, Florida 32399-0700. ATTENTION: Susan B. Sweeney, (850)413-6708.

**DEPARTMENT OF FINANCIAL SERVICES**

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2006-CA-001083

In Re: The Receivership of ATLANTIC PREFERRED INSURANCE COMPANY, a Florida corporation.  
NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH ATLANTIC PREFERRED INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of ATLANTIC PREFERRED INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of ATLANTIC PREFERRED INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida

Department of Financial Services, Receiver for ATLANTIC PREFERRED INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2006-CA-001198

In Re: The Receivership of FLORIDA PREFERRED PROPERTY INSURANCE COMPANY, a Florida corporation.  
NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH FLORIDA PREFERRED PROPERTY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial Services of the State of Florida was appointed as Receiver of FLORIDA PREFERRED PROPERTY INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of FLORIDA PREFERRED PROPERTY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for FLORIDA PREFERRED PROPERTY INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA  
CASE NO.: 2006-CA-001060

In Re: The Receivership of SOUTHERN FAMILY INSURANCE COMPANY, a Florida corporation.  
NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH SOUTHERN FAMILY INSURANCE COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 31st day of May, 2006, the Department of Financial

Services of the State of Florida was appointed as Receiver of SOUTHERN FAMILY INSURANCE COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of SOUTHERN FAMILY INSURANCE COMPANY, shall present such claims to the Receiver on or before 11:59 p.m., June 1, 2007, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to: The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for SOUTHERN FAMILY INSURANCE COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

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**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing.

However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m.) July 21, 2006:

**APPLICATION FOR CONVERSION  
OF AN INTERNATIONAL AGENCY OFFICE  
TO AN INTERNATIONAL BRANCH OFFICE**

Applicant and Location: Banco Bilbao Vizcaya Argentaria, S.A., Paseo de Castellana 81, 28046 Madrid, Spain

With Title: Banco Bilbao Vizcaya Argentaria, S.A.

Correspondent: Scott N. Benedict, Esquire, 2000 Pennsylvania Avenue, N. W., Washington, D.C. 20006 and Bowman Brown, Esquire, 1500 Miami Center, 201 South Biscayne Boulevard, Miami, Florida 33131

Received: June 20, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN June 12, 2006  
 and June 16, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF EDUCATION**  
**State Board of Education**

6A-2.0010	6/12/06	7/2/06	32/11	
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**DEPARTMENT OF TRANSPORTATION**

14-96.0011	6/12/06	7/2/06	32/19	
14-96.007	6/12/06	7/2/06	32/19	
14-96.011	6/12/06	7/2/06	32/19	

**STATE BOARD OF ADMINISTRATION**

19-8.028	6/16/06	7/6/06	32/15	
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**PUBLIC SERVICE COMMISSION**

25-6.022	6/13/06	7/3/06	32/18	
25-6.052	6/13/06	7/3/06	32/18	
25-6.056	6/13/06	7/3/06	32/18	
25-6.058	6/13/06	7/3/06	32/18	
25-6.059	6/13/06	7/3/06	32/18	
25-6.060	6/13/06	7/3/06	32/18	
25-6.103	6/13/06	7/3/06	32/18	

**AGENCY FOR HEALTH CARE ADMINISTRATION**  
**Medicaid Program Office**

59G-4.001	6/12/06	7/2/06	32/16	
59G-4.020	6/12/06	7/2/06	32/13	
59G-4.060	6/12/06	7/2/06	32/16	
59G-4.165	6/12/06	7/2/06	32/19	

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

61D-6.008	6/16/06	7/6/06	31/20	32/20
61D-14.039	6/15/06	7/5/06	32/17	
61D-14.041	6/15/06	7/5/06	32/17	
61D-15.001	6/15/06	7/5/06	32/17	

**Florida Real Estate Commission**

61J2-10.025	6/14/06	7/4/06	32/14	
61J2-14.008	6/14/06	7/4/06	32/14	
61J2-24.003	6/14/06	7/4/06	32/15	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF HEALTH**  
**Board of Dentistry**

64B5-12.016	6/16/06	7/6/06	32/19	
64B5-14.001	6/13/06	7/3/06	32/18	

**Board of Massage**

64B7-28.010	6/15/06	7/5/06	32/13	32/20
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**Board of Medicine**

64B8-8.017	6/13/06	7/3/06	32/17	
64B8-52.004	6/13/06	7/3/06	32/13	

**Board of Nursing**

64B9-8.003	6/15/06	7/5/06	32/19	
64B9-8.005	6/15/06	7/5/06	32/19	
64B9-8.006	6/15/06	7/5/06	32/19	

**Board of Nursing Home Administrators**

64B10-16.0021	6/14/06	7/4/06	31/42	
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**Board of Orthotists and Prosthetists**

64B14-7.003	6/15/06	7/5/06	32/19	
School Psychology				
64B21-504.001	6/15/06	7/5/06	32/16	

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-12.009	6/16/06	7/6/06	31/52	
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**DEPARTMENT OF FINANCIAL SERVICES**

**Funeral and Cemetery Services**

69K-17.0030	6/13/06	7/3/06	32/19	
69K-17.0034	6/13/06	7/3/06	32/19	
69K-22.003	6/13/06	7/3/06	32/19	

**FINANCIAL SERVICES COMMISSION**

**OIR Insurance Regulation**

69O-125.003	6/16/06	7/6/06	31/47	32/8
69O-149.037	6/16/06	7/6/06	32/3	32/9
69O-149.038	6/16/06	7/6/06	32/3	32/9
69O-204.201	6/16/06	7/6/06	32/10	32/18