

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

## DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

### Division of Agricultural Environmental Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

5E-2 Pesticides

RULE NO.: RULE TITLE:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization; Records; Penalties

**PURPOSE AND EFFECT:** The purpose of the proposed rule amendment is to broaden the window of aldicarb application on citrus to alleviate time constraints on aldicarb applicators; add a requirement for intended application sites to be identified to the 1/4 of 1/4 section and drinking wells to be identified to the 1/4 of 1/4 section and with Global Positioning System (GPS) coordinates; clarify rule requirements regarding the 1,000-foot setback and required cased well documentation for exemption from the setback; abolish the 10-day waiting period for aldicarb application to start once a permit is approved to allow more flexibility for applicators; establish justification in rule for permit denials; correct website addresses that have changed; and update forms to match changes in the rule.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amendment changes the time period for application of aldicarb on citrus from January 1 – April 30 to November 15 – April 30; adds a requirement that intended aldicarb application sites must be identified to the 1/4 of 1/4 section and drinking wells must be identified to the 1/4 of 1/4 section and with GPS coordinates in decimal degrees; clarifies that the 1,000-foot setback requirement in citrus applies only if restricted (highly permeable) soils occur within 1,000 feet of any wells; specifies the information required on well construction documentation for exemption from the 1,000-foot setback; abolishes the 10-day waiting period after a permit application is filed before aldicarb application can begin; establishes justification for permit denials in areas where aldicarb or aldicarb residues have been detected in potable wells at concentrations exceeding water quality standards; and updates forms and website addresses.

**SPECIFIC AUTHORITY:** 570.07(23), 487.051 FS.

**LAW IMPLEMENTED:** 487.051 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 24, 2006, 1:00 p.m.

PLACE: Eyster Auditorium, Conner Administration Building, 3125 Conner Blvd., Tallahassee, Florida 32399-1650  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dale Dubberly, Chief, Bureau of Compliance Monitoring, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Building 8 (L29), Tallahassee, Florida 32399-1650; telephone (850)488-8731

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5E-2.028 Restrictions on Use and Sale of Aldicarb; Permit Requirements and Procedures; Forms; Department Authorization ~~Approval~~; Records; Penalties.

(1) Use and Sale Restrictions. The use of aldicarb in accordance with label directions is authorized statewide, with the following restrictions:

(a) Aldicarb shall be applied only during the time period for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(b) Aldicarb shall be applied only at sites ~~the site~~ for which written or electronic authorization has been ~~is~~ issued by the department by means of an aldicarb permit.

(c) Experimental use must be authorized by the United States Environmental Protection Agency or the department.

(d) Aldicarb shall not be applied within 300 feet of any well in this state, with the exception of wells that meet the provisions of paragraph ~~(1)(f)~~ ~~(1)(e)~~.

~~(e) Aldicarb shall not be used in Florida citrus on any soil series identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil within 1,000 feet of any well, with the exception of wells that meet the provisions of paragraph (1)(f) or (1)(g). Soil series which have been identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil include but are not limited to the following: Aldicarb shall not be used on Florida citrus within 1000 feet of any well when any soil series within the intended site of application is identified by the U.S.D.A. Soil Conservation Service as highly permeable well drained sand, unless the applicator furnishes the department with construction documentation confirming that the well is properly cased to a depth of 100 feet below ground surface or a minimum of 30 feet below the water table. The 1000-foot setback requirement shall not apply to any wells that meet the provisions of paragraph (1)(e). Soils series which have been identified by the U.S.D.A. Soil Conservation Service as highly permeable well-drained sand include, but are not limited to, the following:~~

- Adamsville
- Archbold
- Astatula
- Candler

Cassia  
 Lake  
 Neillhurst  
 Orsino  
 Palm Beach  
 Paola  
 Satellite  
 St. Lucie  
 Tavares

~~Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a licensed well contractor.~~

~~(f)(e)~~ Any well that meets the following provisions is exempt from the 300-foot and 1,000-foot setback requirements specified in paragraphs (1)(d) and (1)(e):

1. The well is not used for human consumption;
2. The well has been posted with a conspicuous warning notice stating "NOT FOR HUMAN CONSUMPTION"; and
3. If the well is situated on property under different ownership from the property where the aldicarb application is to be made, a signed statement has been obtained from the well owner authorizing the posting of the warning notice specified in subparagraph ~~(1)(f)2.~~ ~~(4)(e)2.~~

~~(g) The 1,000-foot setback requirement in paragraph (1)(e) shall not apply to wells for which the permit applicant has furnished the department well construction documentation confirming that the well is continuously cased to a depth of at least 100 feet below ground surface or at least to a minimum depth of 30 feet below the top of the shallowest water-producing zone recognized at the time of well construction. Well construction documentation shall consist of either a copy of the well completion report issued by the appropriate water management district or a statement certified as to accuracy by a Florida-licensed well contractor. The well completion report or statement certified by a Florida-licensed well contractor must contain the following information: name of property owner; well construction permit number (if issued); name and license number of well contractor; well location; well completion date (if available); casing depth; total depth of well; and static water level at time of well completion if not continuously cased to a depth of 100 feet or greater. If available, a driller's log describing the type of subsurface material encountered should also be reported. Well location must be identified by county, range, township, section, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees, and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.~~

~~(h)(f)~~ Warning notices specified in ~~subparagraph (1)(f)2.~~ ~~(1)(e)2.~~ of this subsection shall remain in place subsequent to the aldicarb application until sampling and analysis of the well water performed or approved by the department indicate an aldicarb residue level in compliance with the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C.

~~(i)(g)~~ Citrus grove use is limited to one application per season year. For purposes of this rule, the citrus season is defined as the period November 15 – April 30. ~~Such application may be made only during the period January 1—April 30.~~ Application shall not exceed the rate of 5 pounds active ingredient or 33 pounds of 15G formulation per acre.

~~(j)(h)~~ Any drinking water well found to contain aldicarb residues in excess of the standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C., shall have further use of the chemical within 1,000 feet of the well suspended immediately. The suspension shall remain in effect until the well has undergone remedial treatment in a manner acceptable to the department or until subsequent sampling and analyses of the well water performed or approved by the department indicate residue levels in compliance with standards established by the Florida Department of Environmental Protection.

~~(k)(i)~~ Sales documents from any person selling or distributing aldicarb in Florida shall state: "For use only as authorized by Rule 5E-2.028, F.A.C."

~~(2) Permit Reporting Requirements and Procedures.~~

~~(a) At least 10 days prior~~ Prior to applying aldicarb in this state, the licensed applicator shall obtain a permit to apply aldicarb in Florida. Permits may be obtained by filing an application for permit with the department and meeting all permit requirements. Applications shall be filed either electronically on the web site <http://www.temikpermit.com> ~~www.temikintent.com~~ or in hard copy by delivery of a completed Application for Permit to Apply Aldicarb (Temik), Form DACS-13317, revised ~~7/06~~ 4/02, to the address listed on the form. For the purposes of this rule, filing means received by the department. Licensed pesticide applicators may obtain a username and password to use the electronic filing process by submitting a completed Request for Username and Password for Electronic Temik Permit Application, Form DACS-13356, revised ~~5/04~~ new 2/02, to the address listed on the form.

~~(b) Licensed applicators conducting research with aldicarb and making application to no more than 10 acres per site shall be exempt from the 10-day pre-application requirement, provided a signed statement attesting the application is for research purposes is filed with the permit application and provided a permit is obtained before the application is made.~~

~~(b)(e)~~ Each intended application site shall be listed as a separate entry on the permit application or on a separate permit application. Application sites situated in more than one

township, range, and/or section must be submitted as multiple sites, with each site identified as one entry with a distinct township, range, and section.

(c) Each intended application site must be identified with county, range, township, section, and indication on a section diagram of all 1/4 of 1/4 sections in which any part of the intended application site is situated.

(d) Well location must be provided for each well situated inside or within 300 feet of the intended application site. For applications to citrus, well location must also be provided for each well within 1,000 feet of any soil series within the intended application site identified by the USDA Natural Resources Conservation Service as highly permeable well-drained soil. Exception: Well location does not need to be provided for any well that meets the provisions of paragraph (1)(f), but the number of such wells within the intended application site must be provided. Well location must be identified by county, range, township, section, Global Positioning System (GPS) latitude and longitude coordinates in decimal degrees, and indication on a section diagram of the 1/4 section of the 1/4 section of the given section in which the well is situated. Latitude and longitude coordinates must be accurate to a minimum of five places after the decimal and must be in the format of this example: Latitude: 28.45874; Longitude: -82.08945.

(3)(4) Forms.

(a) Form DACS-13317, Application for Permit to Apply Aldicarb (Temik), revised 7/06 1/02, hereby adopted and incorporated by reference, may be obtained from the web site <http://www.flaes.org> ~~www.safepesticideuse.com~~ or from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(b) Form DACS-13356, Request for Username and Password for Electronic Temik Permit Application, revised 5/04 new 2/02, hereby adopted and incorporated by reference, may be obtained from the web sites <http://www.temikpermit.com> ~~www.temikintent.com~~ or <http://www.flaes.org> ~~www.safepesticideuse.com~~ from the Pesticide Certification Section, Florida Department of Agriculture and Consumer Services, 3125 Conner Boulevard, Building 8 (L29), Tallahassee, Florida 32399; telephone (850)488-3314.

(4) (3) Department Authorization; Permit.

(a) No person shall apply aldicarb in this state unless written or electronic authorization has been issued by the department by means of an aldicarb permit.

(b) No person shall apply aldicarb in this state to any site in Florida until for at least 10 days after an aldicarb permit has been approved for that site. This subsection shall not apply to

~~licensed applicators who apply aldicarb for research purposes to 10 acres or less per site and who otherwise meet the requirements set forth in this chapter.~~

(c) The department shall designate on the permit application the time period dates during which aldicarb is approved for application in this state. The time period authorized for application shall not exceed six (6) months.

(d) Department authorization is not transferable.

(e) The department may deny permit applications that list intended application sites in areas determined by the department to be unsuitable for aldicarb application. Areas unsuitable for aldicarb application are those geographic areas in which potable well water sampling has revealed a pattern of detections of aldicarb or aldicarb residues at concentrations exceeding water quality standards established by the Florida Department of Environmental Protection in Chapter 62-550, F.A.C. Petitions for the reversal of determinations of unsuitability for aldicarb application may be submitted to the department for review and consideration. In reviewing such petitions, the department shall evaluate the adequacy of documentation submitted by the petitioner to demonstrate that proposed reintroduction of aldicarb use would not result in water quality violations in potable wells in the area. Pending approval of the submitted documentation, the department may require the petitioner to provide written permission to reverse the unsuitability determination from all property owners affected by the proposed change.

(5)(4) Records. Each applicator shall maintain a copy of all aldicarb permits approved by the department for that applicator, including all attachments, for a minimum of 2 years. These records shall be made available upon request by an authorized representative of the department. For permit approvals issued to the applicator via the web site <http://www.temikpermit.com>, ~~www.temikintent.com~~ upon request by an authorized representative of the department, the applicator must either provide a printed copy of the permit information from the web site or make the permit information available by computer screen for review and printing by the department representative.

(6)(5) Penalties. The use, sale, distribution or application of aldicarb by any person in a manner inconsistent with the provisions of this rule is a violation of Chapter 487, F.S. and subject to the penalties described therein.

Specific Authority 487.042, 487.051, 570.07(23) FS. Law Implemented 487.051, 487.160 FS. History—New 1-1-84, Amended 4-8-84, 5-8-85, Formerly 5E-2.28, Amended 2-9-93, 7-18-95, 9-21-98, 3-28-02,\_\_\_\_\_.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Food Safety**

RULE CHAPTER NO.: 5K-6  
 RULE CHAPTER TITLE.: Food

RULE NO.: 5K-6.010  
 RULE TITLE: Grading Services for Shell Eggs

PURPOSE AND EFFECT: The rule amendment changes the fee and cost schedule for shell egg grading services provided by Department graders.

SUBJECT AREA TO BE ADDRESSED: The Florida Department of Agriculture and Consumer Services provides egg grading services to food establishments that process shell eggs. The Department charges the shell egg processor an hourly fee to recover the costs of this service. This rule amendment increases the hourly fees charged to a processor.

SPECIFIC AUTHORITY: 570.07(23), 583.04 FS.

LAW IMPLEMENTED: 583.051, 583.052 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Dr. John Fruin, Chief, Division of Food Safety, Bureau of Food and Meat Inspection, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650; Telephone: (850)245-5520

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5K-6.010 Grading Services for Shell Eggs.

(1) through (2) No change.

(3) Under that agreement and to offset the cost of providing the services to the producer who orders them, the department establishes the following schedule:

(a) Grader's time per hour for:

- 1. Resident location            ~~\$30.30~~ ~~27.50~~
- 2. Overtime                    ~~\$34.30~~ ~~31.00~~
- 3. Non-resident location      ~~\$37.30~~ ~~34.00~~
- 4. Non-specified days         ~~\$37.30~~ ~~34.00~~

5. In addition to the charge for the grader's time per hour, an additional charge of \$1.40 per hour shall be charged to regular and overtime hours worked at a resident location on a shift beginning after 1:00 p.m.

(b) Travel time and costs:

1. Time for travel to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be charged at the same rate as grading services provided.

2. Mileage and per diem to and from the grader's headquarters for grading services at a non-resident or part-time resident location, or on non-specified days at a resident location shall be reimbursed at the prevailing rates provided in Section 112.061, Florida Statutes.

(4) through (5) No change.

Specific Authority 570.07(23), 583.04 FS. Law Implemented 583.051, 583.052 FS. History--New 8-13-92, Formerly 5E-8.010, Amended 9-30-96, 9-5-01, \_\_\_\_\_.

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

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

**STATE BOARD OF ADMINISTRATION**

RULE NO.: 19-16.001  
 RULE TITLE: Florida Commission on Hurricane Loss Projection Methodology Procedures for Adopting Findings Regarding the Accuracy Or Reliability of Hurricane Loss Projections

PURPOSE AND EFFECT: To discuss promulgating a rule or rules for the Florida Commission on Hurricane Loss Projection Methodology.

SUBJECT AREA TO BE ADDRESSED: The Florida Commission on Hurricane Loss Projection Methodology's procedures used for adopting findings regarding the accuracy or reliability of hurricane loss projections used in residential property insurance rate filings.

SPECIFIC AUTHORITY: 627.0628 FS.

LAW IMPLEMENTED: 627.0628 FS.

TWO RULE DEVELOPMENT WORKSHOPS WILL BE HELD AT THE DATES, TIMES AND PLACE SHOWN BELOW:

DATES AND TIMES: July 26, 2006, 9:00 a.m. – 4:00 p.m. ET., July 27, 2006, 9:00 a.m. – 4:00 p.m. ET.

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

TELEPHONE: The conference call number for those who wish to participate by telephone is (850)487-9454 or Suncom 277-9454 on July 26, 2006 and (850)488-4377 or Suncom 278-4377 on July 27, 2006

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300; telephone (850)413-1349

Copies of the proposed rule(s) and the agenda for the workshop may be obtained from Ms. Sirmons. Any person requiring special accommodations to participate in this proceeding is asked to advise Ms. Sirmons at least five (5) calendar days before such proceeding.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.101  
RULE TITLE: Care of Inmates

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to incorporate Form NII-0071, Inmate Health and Comfort Items-Issuance, and provide that inmate health and comfort items shall be provided in accordance with the guidelines in the form.

SUBJECT AREA TO BE ADDRESSED: Inmate health and comfort items.

SPECIFIC AUTHORITY: 944.09, 945.215 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.101 Care of Inmates.

(1) through (10) No change.

(11) Inmate health and comfort items shall be provided in accordance with the guidelines in the Inmate Health and Comfort Items – Issuance, Form NII-0071. Form NII-0071, Inmate Health and Comfort Items – Issuance, is hereby incorporated by reference. A copy of this form is available from the Forms Control Administrator, Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is \_\_\_\_\_.

Specific Authority 944.09, 945.215 FS. Law Implemented 944.09 FS. History--New 10-8-76, Formerly 33-3.02, Amended 4-19-79, 4-24-80, 1-9-85, 11-3-87, 9-16-88, 7-23-89, 8-27-91, 3-30-94, 11-14-95, 6-2-99, Formerly 33-3.002, Amended 11-21-00, 1-25-01, 1-19-03, 9-23-03, 3-5-06, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-602.201  
RULE TITLE: Inmate Property

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC6-220, Inmate Impounded Personal Property List, to clarify that the original copy of the form shall be forwarded to the inmate property file, rather than the institutional inmate file.

SUBJECT AREA TO BE ADDRESSED: Inmate property.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-602.201 Inmate Property.

(1) through (16) No change.

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

(a) No change.

(b) Form DC6-220, Inmate Impounded Personal Property List, effective date 2-12-01.

(c) through (i) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 6-4-81, Formerly 33-3.025, Amended 11-3-87, 11-13-95, 5-20-96, 1-8-97, 6-1-97, 7-6-97, 10-15-97, 2-15-98, 3-16-98, 8-4-98, 12-7-98, Formerly 33-3.0025, Amended 11-21-00, 9-12-01, 5-16-02, 7-8-03, 8-18-04, 1-25-05, \_\_\_\_\_.

**APPENDIX ONE  
PROPERTY LIST  
No change.**

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.: 40E-1.659  
RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: To incorporate by reference the following forms: a conservation restrictive covenant, conservation easements to be granted to the District allowing for standard, passive recreational, and riparian uses, and conservation easements granted to third parties allowing for

standard, passive recreational and riparian uses. The regulated public will benefit by the incorporation of these forms into the District's rules by reducing review time for both the applicants and District staff reviewers and by ensuring that the forms are consistent with the requirements of Section 704.06, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Real Property Conveyances and Restrictions, Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, 695.03, 704.06 FS.

LAW IMPLEMENTED: 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, 704.06 F.S.

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

DATE AND TIME: August 1, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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

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

Copies of the forms are located at the District's website at: [my.sfwmd.gov/permitting](http://my.sfwmd.gov/permitting) in the right hand column under "rule development". Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-1.659 Forms and Instructions.

(1) The following forms and instructions are hereby incorporated by reference into this chapter:

Form No.	Date	Title
0050A	7-89	Application to the South Florida Water Management District for a Permit for Utilization of District Works or Modification of Existing Permit Works of the District No.
0108	3-91	Application for Release of Mineral, Canal, and Road Reservations Reserved Under Chapters 6456, 6957, 7305, 9131, 14717 and 20658, Laws of Florida
0113	8-95	Surface Water Management Permit No.
0115	8-95	Surface Water Management Permit Modification No.
0119	8-95	Wetland Resource Permit No.
0122	4-93	Application to the South Florida Water Management District for Authority to Utilize Works or Land of the District
0123	4-95	Well Construction Permit Application
0124	11-90	Well Completion Report
0145	8-95	Environmental Resource Permit No.
0157	8-95	Environmental Resource Permit Modification No.
0188-QMQ	8-03	Quarterly Report of Withdrawals
0188-MDQ	8-03	Monthly Report of Daily Withdrawals
0188-QASR	8-03	Quarterly Report of Injections and Withdrawals for Aquifer Storage and Recovery (ASR) Wells]
0188-QMON	8-03	Quarterly Report of Monitoring Requirements
0188-QMQF	8-03	Quarterly Report of Withdrawals from Wells and Surface Water Pumps
0188-QCROP	8-03	Report of Planting and Harvest of Seasonal Crops
0188-QBWDR	8-03	Quarterly Report of Bulk Water Delivered and Received
0195	6-91	Public Water Supply Well Information and Classification
0196	10-89	Water Well Inspection Scheduling Card
0299	1-90	Water Use Permit No.
0444	8-95	Application for a Standard General Permit for Incidental Site Activities
0445	8-03	Mining/Dewatering Permit Application (RC-1A, RC-1W, RC-1G)
0483	9-04	Request for Environmental Resource, Surface Water Management, Water Use or Wetland Resource Permit Transfer
0645-W01	8-03	Water Use Permit Application (RC-1A, RC-1W, RC-1G)
0645-G60	8-03	Table A Descriptions of Wells
0645-G61-1	8-03	Table B Description of Surface Water Pumps
0645-G61-2	8-03	Table C Description of Culverts
0645-G65	8-03	Table D Crop Information
0645-G74	8-03	Table E Water Received From or Distributed to Other Entities
0645-G69	8-03	Table F Past Water Use & Table G Projected Water Use
0645-G70	8-03	Table H Projected Water Use (For Per Capita Greater than 200 GPD)
0645-G71	8-03	Table I Water Treatment Method and Losses

0645-G72	8-03	Table J Aquifer Storage and Recovery	1022	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance
0645-G73	8-03	Table K Water Supply System Interconnections			
0779	5-92	Guidance for Preparing an Application for a "Works of the District" Permit in the Everglades/Application for a Works of the District Permit	1023	9-04	Mitigation Bank Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0830	4-94	Special Use Application and License	1024	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Perpetual Management Financial Assurance
0881A	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification	1105	6-02	Performance Bond to Demonstrate Financial Assurance
0881B	9-03	Environmental Resource/Surface Water Management Permit Construction Completion Certification – For Projects Permitted Prior to October 3, 1995	1106 1109 1189	6-02 8-03 2-06	Irrevocable Letter of Credit to Demonstrate Financial Assurance Water Use General Permit Notice of Environmental Resource or Surface Water Management Permit
0889	9-04	Certification of Waiver of Permit Application Processing Fee	1190		<u>Deed of Conservation Easement (Standard)</u>
0920	9-04	Request for Conversion of District Environmental Resource/Surface Water Management Permit from Construction Phase to Operation Phase and Transfer of Permit to the Operating Entity	1191 1192 1194		<u>Deed of Conservation Easement (Standard Passive Recreational)</u> <u>Deed of Conservation Easement (Standard Riparian)</u> <u>Deed of Conservation Easement (Third Party Standard)</u>
0941	8-95	Environmental Resource Standard/Noticed General Permit No.	1195		<u>Deed of Conservation Easement (Third Party Passive Recreational)</u>
0942	8-95	Surface Water Management General Permit No.	1196		<u>Deed of Conservation Easement (Third Party Riparian)</u>
0960	9-04	Environmental Resource/Surface Water Management Permit Construction Commencement Notice	1197		<u>Restrictive Covenant (Standard)</u>
0961	9-04	Environmental Resource/Surface Water Management Permit Annual Status Report for Surface Water Management System Construction		(2)(a) through (g) No change.	
0970	2-04	Applicant Transmittal Form for Requested Additional Information			Specific Authority 120.53, 218.075, 373.044, 373.113, 373.4136, 373.416, <u>704.06</u> FS. Law Implemented 120.53, 218.075, 373.113, 373.4135, 373.4136, 373.416, <u>704.06</u> FS. History–New 9-3-81, Amended 12-1-82, 3-9-83, Formerly 16K-1.90, Amended 7-26-87, 11-21-89, 1-4-93, Formerly 40E-1.901, Amended 5-11-93, 4-20-94, 10-3-95, 6-26-02, 8-14-02, 8-31-03, 9-16-03, 9-20-04, 2-12-06,_____.
0971	8-95	Joint Application for Environmental Resource Permit/Authorization to Use State Owned Submerged Lands/Federal Dredge and Fill Permit			
0972	8-95	Petition for a Formal Wetland and Surface Water Determination			
0973	8-95	Above Ground Impoundment Inspection/Certification Report			
0974	8-95	Notice of Intent to Construct a Minor Silvicultural System			
0980	8-95	Notice of Intent to Use a Noticed General Environmental Resource Permit			
1019	9-04	Mitigation Bank Performance Bond to Demonstrate Construction/Implementation Financial Assurance			
1020	9-04	Mitigation Bank Irrevocable Letter of Credit to Demonstrate Construction/Implementation Financial Assurance			
1021	9-04	Mitigation Bank Standby Trust Fund Agreement to Demonstrate Construction/Implementation Financial Assurance			

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

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

PURPOSE AND EFFECT: To ensure any conservation easements, restrictive covenants or plat restrictions placed over property included in an environmental resource permit will be consistent with Section 704.06, Florida Statutes. In order to accomplish this purpose and ensure that the District's interests are legally protected, the District proposes to specify the language requirements for plat restrictions and to reference forms incorporated into the rules that will constitute consistency with Section 704.06, Florida Statutes, while still allowing flexibility for site specific factors to be considered in finalizing the documents.



SUBJECT AREA TO BE ADDRESSED: Real Property Conveyances and Restrictions, Section 4.3.8 of the Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District.

SPECIFIC AUTHORITY: 373.044, 373.103(8), 373.113, 373.171, 373.413, 704.06 FS.

LAW IMPLEMENTED: 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 704.06 FS.

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

DATE AND TIME: August 1, 2006, 9:00 a.m.

PLACE: South Florida Water Management District Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

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

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

(b) through (k) No change.

(2) No change.

Specific Authority 373.044, 373.113, 373.171, 373.413, 704.06 FS. Law Implemented 373.413, 373.4135, 373.414, 373.4142, 373.416, 373.418, 373.421, 373.426, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-4.035(1), Amended 5-1-86, 7-1-86, 3-24-87, 4-14-87, 4-21-88, 11-21-89, 11-15-92, 1-23-94, 4-20-94, 10-3-95, 1-7-97, 12-3-98, 5-28-00, 8-16-00, 1-17-01, 7-19-01, 6-26-02, 6-26-02, 4-6-03, 4-14-03, 9-16-03, 12-7-04, 2-12-06, \_\_\_\_\_.

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

4.3.8 Real Property Conveyances and Restrictions

- (a) All conservation easements shall be granted in perpetuity without encumbrances, unless such encumbrances do not have the potential to adversely affect the ecological viability of the mitigation. All liens against the conservation easement site shall be released, be subordinated to, or joined with the conservation easement. All conservation easements and restrictive covenants shall be consistent with Section 704.06, F.S.; and shall contain restrictions that ensure the ecological viability of the site.
- (b) Plat restrictions proposed to meet the requirements of Section 4.3.2.2 (Preservation) must contain the language contained in Section 704.06(1)(a)-(h), F.S. and provide reasonable assurance of the preservation of the protected area in accordance with the permit in perpetuity. Plat language shall provide the District a third-party right to enforce the plat restrictions and shall further provide that the plat restrictions cannot be altered released or revoked without the prior written consent of the District.
- (c) The use of Form No(s) 1190-1192 and 1194-1197, referenced in Chapter 40E-1.659, F.A.C., shall constitute consistency with Section 704.06, F.S. Where project specific conditions warrant deviation from the language of the accepted forms, alternative language may be accepted as long as it meets the provisions, purpose and intent of Section 704.06, F.S., and this Basis of Review.
- ~~(d)~~ All real property conveyances shall be in fee simple and by statutory warranty deed, special warranty deed, or other deed, without encumbrances that adversely affect the integrity of the preservation objectives. The District shall also accept a quit claim deed if necessary to aid in clearing minor title defects or otherwise resolving boundary questions.





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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030. A copy of the rule amendment is available on line at <http://www.state.fl.us/dbpr/lsc/index.shtml>.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.: 61G4-16.009  
 RULE TITLE: Examination and Reexamination  
 PURPOSE AND EFFECT: The Board proposes to review the existing rule on examination and reexamination.

SUBJECT AREA TO BE ADDRESSED: Examination and Reexamination.

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

LAW IMPLEMENTED: 455.217, 489.109, 489.111 FS.

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

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

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-10.0065  
 RULE TITLE: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes to create the rule.

SUBJECT AREA TO BE ADDRESSED: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

SPECIFIC AUTHORITY: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in Rule 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(g) Submit documents that verify the applicant’s illness or unusual hardship:

(h) Submit a written time-line that chronologically documents when the applicant’s electrical contractor’s certification or registration was last active, when the applicant’s electrical contractor’s certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor’s certification or registration:

(i) Request active or inactive license status and submit all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor’s certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor’s certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History–New \_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Surveyors and Mappers**

RULE NO.:                      RULE TITLE:  
61G17-9.004                      Citations

PURPOSE AND EFFECT: The Florida Board of Professional Surveyors and Mappers is amending Rule 61G17-9.004, F.A.C., to revise what disciplinary offenses may be resolved by citations and also revising the amount of money that may be imposed as citation fines.

SUBJECT AREA TO BE ADDRESSED: Citations.

SPECIFIC AUTHORITY: 472.008, 455.224 FS.

LAW IMPLEMENTED: 455.224 FS.

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

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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 Acupuncture**

RULE NO.:                      RULE TITLE:  
64B1-9.007                      Advertising

PURPOSE AND EFFECT: To give notice of permitted methods of advertising, and to address advertising violations.

SUBJECT AREA TO BE ADDRESSED: Advertising.

SPECIFIC AUTHORITY: 456.072, 457.104, 457.109 FS.

LAW IMPLEMENTED: 456.072(1)(a), (m); 457.109(1)(d), (e), (k) 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, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Massage Therapy**

RULE NO.:                      RULE TITLE:  
64B7-33.001                      Advertisement

PURPOSE AND EFFECT: To address advertising requirements.

SUBJECT AREA TO BE ADDRESSED: Advertisement.

SPECIFIC AUTHORITY: 480.035(7) FS.

LAW IMPLEMENTED: 480.046(1)(d), (f), 480.0465 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED 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 E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

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

**DEPARTMENT OF HEALTH**

**Board of Osteopathic Medicine**

RULE NO.: 64B15-19.002  
 RULE TITLE: Violations and Penalties  
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule.  
 SUBJECT AREA TO BE ADDRESSED: Violations and Penalties.  
 SPECIFIC AUTHORITY: 456.079, 459.015(5) FS.  
 LAW IMPLEMENTED: 456.072, 456.079, 456.50 FS.  
 IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (25) No change.

	MINIMUM	MAXIMUM
(26) Repeated Malpractice as defined in Section 456.50 (459.015(1)(x), F.S.) FIRST OFFENSE	Revocation or denial of license and fine of \$1,000 denial or probation and \$7,500 fine	Revocation or denial of license and fine of \$10,000 denial or revocation and \$10,000 fine
SECOND OFFENSE	denial or suspension to be followed by probation and \$7,500 fine	denial or revocation and \$10,000 fine
(27) Failure to practice medicine in accordance with appropriate level of care, skill and treatment recognized in general law related to the practice of medicine with level of care, skill, and treatment recognized by a reasonably prudent physician as acceptable under similar conditions and circumstances. (456.50(1)(g), F.S.) (459.015(1)(x), F.S.) FIRST OFFENSE	One (1) year denial or probation and \$1,000 \$5,000 fine	Denial or revocation suspension to be followed by probation and \$10,000 \$7,500 fine
SECOND OFFENSE	Two (2) year denial or suspension to be followed by probation and \$7,500 fine	No change

(28) through (58) No change.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05.

**FLORIDA HOUSING FINANCE CORPORATION**

RULE CHAPTER NO.: 67-58  
 RULE CHAPTER TITLE: Community Workforce Housing Innovation Pilot Program (CWHIP)

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 Rule Development Workshop will be held to receive comments and suggestions from interested persons.

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

DATE AND TIME: Friday, July 28, 2006 (immediately following the Board of Directors Meeting, which begins at 9:00 a.m.)

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301, (850)851-0000

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).

**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Division of Marine Fisheries Management**

RULE NOS.:	RULE TITLES:
68B-45.004	Regulation and Prohibition of Certain Harvesting Gear
68B-45.007	Blue Crab Effort Management Program

PURPOSE AND EFFECT: The purpose of these rule amendments is to continue the moratorium on issuance of new blue crab endorsements until July 1, 2007, and to delay until that date the implementation of the Blue Crab Limited Entry Program. The Fish and Wildlife Conservation Commission had adopted rules that would have implemented the final effort management plan for the commercial blue crab fishery on July 1, 2006. These rule amendments are necessary to delay the program until penalties applicable to specific requirements and prohibitions in the implementing rules of the Commission and fees to be charged by the Commission under the program can be passed by the Florida Legislature and to replace Emergency Rule 68BER06-1 before its expiration. The effect of these rule amendments would be to maintain the commercial fishery in its current regulatory state until the Florida Legislature establishes the appropriate penalties and fees.

SUBJECT AREA TO BE ADDRESSED: Commercial blue crab endorsements and limited entry program.

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

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

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

68B-45.004 Regulation and Prohibition of Certain Harvesting Gear.

(1) through (8) No change.

(9)(a) No change.

(b) Notwithstanding Section 370.135(2)(a), F.S., effective July 1, ~~2006~~ ~~2002~~, and until July 1, ~~2007~~ ~~2006~~, no blue crab endorsements, except those endorsements that were active during the ~~2005-2006~~ ~~2001-2002~~ fiscal year, shall be renewed or replaced. ~~In 2002 and in subsequent years until July 1, 2006,~~ Persons or corporations holding a blue crab endorsement that was active in the ~~2005-2006~~ ~~2001-2002~~ fiscal year or an immediate family member of that person must request renewal of the blue crab endorsement before September 30, ~~2006~~ ~~of each year~~. All provisions of Sections 370.135(2)(c)-(e), F.S., shall continue to apply to the issuance and renewal of blue crab endorsements with the applicable dates specified in this paragraph.

(c) No change.

(10) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History—New 12-14-93, Amended 6-1-94, 1-1-95, 10-4-95, 9-30-96, 1-1-98, 6-1-99, Formerly 46-45.004, Amended 2-28-02, 10-21-04, 3-1-05, 3-30-06,\_\_\_\_\_.

68B-45.007 Blue Crab Effort Management ~~Limited Entry Endorsement~~ Program.

(1) Beginning in the ~~2007/2008~~ ~~2006/2007~~ license year, in addition to a valid saltwater products license and a valid restricted species endorsement, a blue crab effort management ~~limited entry~~ endorsement number is required to harvest or possess blue crab in quantities greater than the recreational bag limit or to sell blue crab.

(2) The Commission shall notify all holders of a 2004/2005 commercial saltwater products license with a restricted species endorsement and an existing blue crab endorsement of their initial eligibility or denial of a blue crab effort management limited entry endorsement. Those notified will indicate either their acceptance of the initial award of a blue crab effort management limited entry endorsement number by completion of an acceptance application (Form DMF-SL4500, Blue Crab Effort Management Limited Entry Endorsement Application (09-06 01-06), incorporated herein by reference) or submit an application to appeal (Form DMF-SL4510, Application for Appeal of Blue Crab Effort Management Limited Entry Endorsement (09-06 05-05), incorporated herein by reference), as specified in paragraph (11)(b).

(3) Except for those qualifying for a non-transferable blue crab effort management limited entry endorsement as specified in subsection (6), the Blue Crab Effort Management Limited Entry Endorsement Application must be received by the Commission no later than September 30, 2006. An applicant may be a person, firm, or corporation.

(a) In order to qualify for a blue crab effort management limited entry endorsement number, an applicant must have held a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application and qualify as specified in paragraph (3)(b). A limited entry blue crab effort management endorsement number will not be issued to an applicant who did not hold a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement pursuant to Section 370.135(2), F.S., at the time of application.

(b) Except as specified in subsection (6), qualification for a blue crab effort management limited entry endorsement number shall be determined by landings of blue crab reported on a valid saltwater products license with a valid restricted species endorsement and a blue crab endorsement, and as specified in paragraph (c).

(c) Qualified blue crab effort management limited entry endorsement number applicants must have documented blue crab landings in quantities as specified in subsection (4) or (5) pursuant to Commission trip ticket records generated under the provisions of Rule Chapter 68E-5, F.A.C., during at least one of the following three license years: July 1, 2000 through June 30, 2001, July 1, 2001 through June 30, 2002, or July 1, 2002 through June 30, 2003. Qualifying landings must have been received by the FWC by August 1, 2003; applicants lacking sufficient blue crab landings during the qualifying years may have their eligibility for a blue crab effort management limited entry endorsement considered by the blue crab effort management limited entry endorsement appeals board as specified in subsection (10).

(4) Hard Shell Blue Crab Endorsement (V-H). The hard shell blue crab effort management limited entry endorsement is required to harvest commercial quantities of hard shell blue crab using gears as authorized in subsection 68B-45.004(1), F.A.C.

(a) through (e) No change.

(5) Soft Shell Blue Crab Endorsement (V-S). The soft shell blue crab effort management limited entry endorsement is required to harvest peeler blue crabs in excess of the bycatch limit established in paragraph (4)(e) using gears as authorized in subsection 68B-45.004(2), F.A.C., or to produce soft shell blue crabs with more than three (3) shedding tanks.

(a) through (e) No change.

(6) Non-transferable blue crab effort management limited entry endorsement (V-N). Persons will qualify for the V-N endorsement if they meet the criteria set forth in paragraph (3)(a), have had no convictions for violations associated with gears defined in subsection 68B-4.002(3) or (4), F.A.C., since July 1, 1995, and have documented landings using such gears pursuant to Commission trip tickets generated for the Marine Information System under Rule Chapter 68E-5, F.A.C., prior to July 1, 1995, or, sold nets to the state according to the provisions of the net buy back program, Chapter 95-414, Laws of Florida. Qualifying landings must have been received by the Marine Information System no later than August 1, 1995.

(a) The non-transferable blue crab effort management limited entry endorsement cannot be sold or otherwise transferred to any other person as described in subsection (15) or (16).

(b) The holder of a non-transferable blue crab effort management limited entry endorsement number shall be entitled to purchase up to 100 hard shell blue crab trap tags that will allow them to deploy a like number of hard shell blue crab traps in any state waters where blue crab traps are allowed.

(c) Applicants qualifying for a V-N blue crab effort management limited entry endorsement number pursuant to this subsection may apply for the endorsement by completing and submitting application Form DMF-SL4570, Non-Transferable Blue Crab Effort Management Limited Entry Endorsement (09-06 01-06), incorporated herein by reference.

(d) Applicants must submit their application to the Commission no later than September 30, 2007 2006. An applicant may be a person, firm, or corporation.

(e) No change.

(f) Applicants initially denied a V-N endorsement number may appeal their denial by submitting a completed appeals application form (DMF-4580, Application for Appeal of the Non-Transferable Blue Crab Limited Entry Endorsement (09-06 01-06), hereby incorporated by reference), to the Director of the Division of Marine Fisheries Management by March 31, 2007 2006.

(g) through (h) No change.

(i) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the same trap tag requirements described in subsection (7).

(j) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the same renewal criteria described in subsection (9).

(k) The holder of a V-N blue crab effort management limited entry endorsement number shall be subject to the renewal criteria described in paragraph (10)(a).

(l) The holder of a V-N blue crab effort management limited entry endorsement number shall not be eligible to serve either on the blue crab limited entry appeals board described in subsection (11) or the advisory board described in subsection (12).

(m) No change.

(n) If the holder of a V-N blue crab effort management limited entry endorsement number purchases a V-H endorsement described in subsection (4) or a V-S endorsement described in subsection (5), the non-transferable endorsement shall be forfeited.

(7) Trap Tags.

(a) Trap tags shall only be issued to holders of a current valid saltwater products license with a restricted species endorsement and a blue crab effort management limited entry endorsement number.

(b) Beginning July 1, ~~2007~~ 2006, each trap used for the directed harvest of blue crabs must have securely fastened thereto a current trap tag issued annually by the Commission. Each such tag shall be manufactured by a Commission vendor and made of durable plastic or similarly durable material and shall have printed thereon the holder's blue crab effort management limited entry endorsement number. To facilitate enforcement and record keeping, such tags shall be issued each year in a color different from those used in the preceding three years. Traps with tags that are not securely fastened shall be considered untagged for enforcement purposes.

(c) Blue crab trap tags shall only be issued to natural persons. For the purpose of this section, the term "natural person" or "person" refers to a human being and does not include a firm, organization, partnership, association, corporation, or other business or legal entity or group or combination. A corporation that holds a blue crab effort management limited entry endorsement number shall designate one individual to whom they are assigning their trap tags.

(d) Each person who possesses a blue crab effort management limited entry endorsement number must annually submit a blue crab effort management limited entry endorsement trap tag order application form (DMF-SL4520 (05-05), incorporated herein by reference) within the time frame specified in paragraph (e) stating the number of tags they wish to receive, up to the maximum specified in subsection (4) or (5).

(e) Blue crab effort management limited entry endorsement trap tag order applications for each license year will only be accepted from February 1 through March 15 of the prior license year, except as specified in paragraph (f).

(f) No change.

(g) Blue crab trap tags shall not be issued to blue crab effort management limited entry endorsement holders until all license fees and any other outstanding fees owed the Commission have been paid in full and are current and the tag holder's saltwater products license with valid restricted species endorsement and blue crab effort management limited entry endorsement are not otherwise inactive.

(h) No change.

(i) As part of the Blue Crab Trap Tag Replacement Application (DMF-SL 4530 (05-05)), the applicant shall provide the tag holder's name, saltwater products license number, blue crab effort management limited entry endorsement number, the number of tags that were lost, location or area where the tags were lost, and circumstances under which the tags were lost.

(8) Effective September 30, ~~2007~~ 2006, no additional blue crab effort management limited entry endorsements will be issued except to applicants qualifying as specified in subsection (18), and no blue crab effort management limited entry endorsement will be renewed or replaced except those that were issued pursuant to subsection (4), (5), (6) or (11).

(9) Beginning in the ~~2008/2009~~ 2007/2008 license year, each holder of a blue crab effort management limited entry endorsement number, or an immediate family member of such holder in the case of an individual, must renew the endorsement number each license year before September 30. Failure to renew the endorsement number by September 30 of any year will result in forfeiture of the endorsement number.

(10) Requalification. Beginning with license year ~~2010/2011~~ 2009/2010, the holder of a blue crab effort management limited entry endorsement number, except those qualifying as specified in subsection (18), must requalify for the endorsement number by documenting landings on such endorsement as specified in paragraph (a) or (b) in at least one of the previous three license years. Each endorsement number will then be valid for three years from the date of requalification, but must still be renewed annually as required by subsection (8). Except for the V-I endorsement specified in subsection (18), any blue crab effort management limited entry endorsement number not meeting the requalification criteria as specified in paragraph (a) or (b) will not be renewed.

(a) through (b) No change.

(11) Blue Crab Appeals Board. The Executive Director of the Commission shall appoint an appeals board composed of six blue crab effort management limited entry endorsement holders or wholesale seafood dealers and one Commission



staff member to consider disputes or problems arising from the initial denial of a blue crab effort management limited entry endorsement.

(a) The six members of the appeals board will consist of at least four members that qualify for a V-H endorsement number and at least one that qualifies for a V-S endorsement number. No member may have appealed their initial blue crab effort management limited entry endorsement award.

~~(b) An appeal of the initial denial of a blue crab limited entry endorsement number is initiated by submission and receipt of a completed appeals application (Form DMF-SL4510 (05-05)) to the Director of the Division of Marine Fisheries Management before September 30, 2005.~~

~~(b)(e)~~ The burden of proof shall be on an appellant to demonstrate, through copies of trip tickets or other proof of landings, legitimate sales to a licensed wholesale dealer that were not reported by the wholesale dealer during the qualifying years or included in the agency landings database as of August 1, 2003.

~~(c)(d)~~ Criteria for issuance of blue crab effort management limited entry endorsement numbers by the appeals board on grounds of hardship shall be established by the Blue Crab Advisory Board.

~~(d)(e)~~ After disputes are considered, a recommendation shall be submitted to the Executive Director of the Commission, or his designee, for resolution of the appeal, which recommendation shall either allot an endorsement number to the appellant or uphold the denial of an endorsement number. Notice will be given in writing to the appellant explaining the reasons for the final decision. The action of the Executive Director of the Commission constitutes final agency action, and is appealable pursuant to the requirements of Chapter 120, F.S.

(12) Blue Crab Advisory Board. There is hereby established the Blue Crab Advisory Board. Such board shall consider and advise the Commission on the operation of the effort management trap limitation program and any problems in the fishery.

(a) The board shall consist of a member of the Commission staff appointed by the Executive Director of the Commission, and eight members appointed by the Executive Director of the Commission according to the following criteria, except as otherwise provided in paragraph (b).

1. All appointed members other than the commission staff person shall be holders of a blue crab effort management limited entry endorsement holders and shall not have been convicted of any violations of Chapter 68B-45, F.A.C., within the last six (6) years. At least two shall have blue crab landings equal to or greater than 5,000 pounds during the preceding license year and at least two shall have landings less than 5,000 pounds during such license year.

2. At least five appointed members shall hold a V-H endorsement number, and at least two shall hold a V-S endorsement number.

3. At least one member shall come from each of the following regions of Florida:

(I) Escambia, Santa Rosa, Okaloosa, Walton, Bay, Gulf, Franklin, Wakulla counties;

(II) Jefferson, Taylor, Dixie, Levy, Citrus, Hernando, Pasco counties;

(III) Pinellas, Hillsborough, Manatee, Sarasota, Charlotte, Lee, Collier counties;

(IV) Indian River, St. Lucie, Martin, Palm Beach, Broward, Dade, Monroe counties;

(V) Nassau, Duval, Clay, St. Johns, Putnam, Flagler, Volusia, Brevard counties.

(b) No change.

(c) Holders of blue crab effort management limited entry endorsement numbers wanting to be considered for appointment to the Blue Crab Advisory Board shall make their request on Commission Form DMF-SL4540 (~~09-06~~ 05-05), incorporated herein by reference.

(d) through (h) No change.

(i) On July 1, ~~2012~~ 2014, the board is dissolved unless extended by the Executive Director of the Commission.

(13) Leasing Prohibited. The leasing or renting of blue crab effort management limited entry endorsement numbers, tags, or traps is prohibited.

(14) Endorsement Holder Responsibility. The holder of a blue crab endorsement number is responsible for the actions of anyone working under that endorsement. All monies or proceeds from the sale of blue crabs landed under the blue crab effort management limited entry endorsement holder's saltwater products license shall be issued only to the endorsement holder.

(15) Transferability. After the initial issuance, the hard shell blue crab (V-H) and soft shell blue crab (V-S) effort management limited entry endorsement numbers are transferable upon approval of the Commission under the following conditions:

(a) The buyer must hold a saltwater products license with a valid restricted species endorsement and a blue crab effort management limited entry endorsement number. If a buyer does not possess a blue crab effort management limited entry endorsement number, they must hold a certificate of completion of the blue crab apprentice program as specified in paragraph (b).

(b) Persons not already holding a blue crab effort management limited entry endorsement number and wishing to purchase such an endorsement number shall complete an apprenticeship program consisting of working no fewer than fourteen (14) days fishing for blue crab with a properly licensed blue crab effort management limited entry

endorsement number holder. As evidence thereof, such person must possess a blue crab effort management limited entry apprenticeship form (DMF-SL4550 (09-06 05-05), incorporated herein by reference) signed by the endorsement holder attesting to the applicant having worked no fewer than fourteen (14) days fishing for blue crabs on the endorsement holder's vessel.

(c) A person who wishes to transfer an endorsement number shall submit a notarized statement of intent within 72 hours of the final notarized signature, that has been signed by both parties to the transaction, hand delivered, or sent by United States Postal Service certified mail, return receipt requested, to the Commission. The statement of intent (Form DMF-SL 4560 (09-06 05-05), incorporated herein by reference), shall include the following information:

1. The name, address, and SPL number of seller;
2. The name, address, and SPL number of buyer; and
3. The selling price.

(d) A blue crab effort management limited entry endorsement number shall not be issued, transferred, or renewed until all license fees, surcharges, and any other outstanding fees, fines, or penalties owed to the Commission by either party to the transaction have been paid in full.

(16) No change.

(17) No Vested Rights. This blue crab effort management limited entry program does not create any vested rights for endorsement number holders whatsoever and may be altered or terminated by the Commission as necessary to protect the blue crab resource, the participants of the fishery, or the public interest.

(18) No change.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 5-26-05, Amended 3-30-06, \_\_\_\_\_.

## Section II Proposed Rules

### DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

#### Division of Florida Highway Patrol

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 15B-13 Operation of Soundmaking Devices in Motor Vehicles

RULE NO.: RULE TITLE:  
 15B-13.001 Operation of Soundmaking Devices in Motor Vehicles

PURPOSE AND EFFECT: The purpose of the proposed rule action is to amend the current rule to reflect the 2005 revision to Florida Statute 316.3045, making it unlawful for any person operating or occupying a motor vehicle on a street or highway

to operate or amplify the sound produced by a radio, tape player, or other mechanical soundmaking device or instrument from within the motor vehicle so that the sound is plainly audible at a distance of 25 feet or more from the motor vehicle instead of 100 feet as previously defined.

SUMMARY: The proposed rule action revises the current rule changing the definition of the term "plainly audible" reducing the unlawful range that a mechanical soundmaking device or instrument can be heard coming from within a motor vehicle from 100 feet to 25 feet.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: A statement of estimated regulatory costs has not been 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: 316.3045 FS.

LAW IMPLEMENTED: 316.3045 FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Lt. James D. Wells, Jr., Bureau of Special Operations Command, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)617-2303

THE FULL TEXT OF THE PROPOSED RULE IS:

15B-13.001 Operation of Soundmaking Devices in Motor Vehicles.

(1) No change.

(2) "Plainly Audible" shall mean any sound produced by a radio, tape player, or other mechanical or electronic soundmaking device, or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable soundmaking device, that can be clearly heard outside the vehicle by a person using his normal hearing faculties, at a distance of 25 ~~100~~ feet or more from the motor vehicle.

(3) through (4) No change.

Specific Authority 316.3045 FS. Law Implemented 316.3045 FS. History--New 12-25-90, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Lt. James D. Wells, Jr., Bureau of Law Enforcement Support Services, Division of Florida Highway Patrol, Department of Highway Safety and Motor Vehicles, Room A315, Neil Kirkman Building, Tallahassee, Florida 32399-0500, (850)488-5799

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Christopher A. Knight, Director, Division of Florida Highway Patrol

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 1, 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.”

**PUBLIC SERVICE COMMISSION**

DOCKET NOS. 060172-EU and 060173-EU

RULE NOS.:	RULE TITLES:
25-6.034	Standard of Construction
25-6.0341	Location of the Utility’s Electric Distribution Facilities
25-6.0342	Third-Party Attachment Standards and Procedures
25-6.0343	Municipal Electric Utilities and Rural Electric Cooperatives
25-6.0345	Safety Standards for Construction of New Transmission and Distribution Facilities
25-6.064	Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities
25-6.078	Schedule of Charges
25-6.115	Facility Charges for Conversion of Existing Overhead Investor-owned Distribution Facilities

**PURPOSE AND EFFECT:** To increase the reliability of Florida’s electric transmission and distribution infrastructure, as well as clarify costs and standards regarding overhead line extensions and underground electric infrastructure.

**SUMMARY:** The rules will require electric utilities to develop construction standards which, at a minimum, meet the National Electrical Safety Code; relocate facilities from the rear to the front of customer’s premises in certain circumstances; develop standards for third-party attachments to electric facilities; extend applicability of the standards to municipally operated systems and electric cooperatives; and clarify and revise the charges for overhead line extensions, underground construction, and conversion of overhead facilities to underground facilities.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST:** Florida’s five Investor Owned Utilities, 18 electric cooperatives, and 35 municipally operated companies will be affected by these rules. Additionally, telecommunications and cable companies that own or lease space on electric facilities may be indirectly affected.

Preliminary data provided by the IOUs indicates estimated costs for increased electric infrastructure reliability will range from \$63 Million to \$193 Million. No data is available from municipally operated systems, electric cooperatives, telecommunications and cable companies.

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:** 350.127(2), 366.04, 366.04(2)(f), 366.05(1) FS.

**LAW IMPLEMENTED:** 366.03, 366.04, 366.04(1), 366.04(2)(c), 366.04(2)(f), 366.04(5), 366.04(6), 366.05, 366.05(1), 366.05(7), 366.05(8), 366.06, 366.06(1) FS.

**WRITTEN COMMENTS OR SUGGESTIONS ON THE PROPOSED RULES MAY BE SUBMITTED TO THE FPSC, DIVISION OF THE COMMISSION CLERK AND ADMINISTRATIVE SERVICES, WITHIN 21 DAYS OF THE DATE OF THIS NOTICE FOR INCLUSION IN THE RECORD OF THE PROCEEDING.**

A HEARING WILL BE HELD ON RULES 25-6.0341, 25-6.0342, AND 25-6.0343 AT THE DATE, TIME AND PLACE SHOWN BELOW. FOR RULES 25-6.034, 25-6.0345, 25-6.064, 25-6.078, AND 25-6.115, A HEARING WILL BE HELD THE DATE, TIME AND PLACE SHOWN BELOW ONLY IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE (IF NOT REQUESTED, A HEARING WILL NOT BE HELD ON RULES 25-6.034, 25-6.0345, 25-6.064, 25-6.078, AND 25-6.115).

**DATE AND TIME:** Tuesday, August 22, 2006, 9:30 a.m.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Larry Harris, Florida Public Service Commission, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0862, (850)413-6076

THE FULL TEXT OF THE PROPOSED RULES IS:

**PART III GENERAL MANAGEMENT REQUIREMENTS**

25-6.034 Standard of Construction.

(1) Application and Scope. This rule is intended to define construction standards for all overhead and underground electrical transmission and distribution facilities to ensure the provision of adequate and reliable electric service for operational as well as emergency purposes. This rule applies to all investor-owned electric utilities. ~~The facilities of the utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.~~

(2) Each utility shall establish, no later than 180 days after the effective date of this rule, construction standards for overhead and underground electrical transmission and distribution facilities that conform to the provisions of this rule. Each utility shall maintain a copy of its construction standards at its main corporate headquarters and at each district office. Subsequent updates, changes, and modifications to the utility's construction standards shall be labeled to indicate the effective date of the new version and all revisions from the prior version shall be identified. Upon request, the utility shall provide access, within 2 working days, to a copy of its construction standards for review by Commission staff at the utility's offices in Tallahassee. The Commission has reviewed the American National Standard Code for Electricity Metering, 6th edition, ANSI C-12, 1975, and the American National Standard Requirements, Terminology and Test Code for Instrument Transformers, ANSI 57.13, and has found them to contain reasonable standards of good practice. A utility that is in compliance with the applicable provisions of these publications, and any variations approved by the Commission, shall be deemed by the Commission to have facilities constructed and installed in accordance with generally accepted engineering practices.

(3) The facilities of each utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(4) Each utility shall, at a minimum, comply with the applicable edition of the National Electrical Safety Code (ANSI C-2) [NESC].

(a) The Commission adopts and incorporates by reference the 2002 edition of the NESC, published August 1, 2001. A copy of the 2002 NESC, ISBN number 0-7381-2778-7, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE).

(b) Electrical facilities constructed prior to the effective date of the 2002 edition of the NESC shall be governed by the applicable edition of the NESC in effect at the time of the initial construction.

(5) For the construction of distribution facilities, each utility shall, to the extent reasonably practical, feasible, and cost-effective, be guided by the extreme wind loading standards specified by Figure 250-2(d) of the 2002 edition of the NESC. As part of its construction standards, each utility shall establish guidelines and procedures governing the applicability and use of the extreme wind loading standards to enhance reliability and reduce restoration costs and outage times for each of the following types of construction:

(a) New construction;

(b) Major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and

(c) Targeted critical infrastructure facilities and major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(6) For the construction of underground distribution facilities and their supporting overhead facilities, each utility shall, to the extent reasonably practical, feasible, and cost-effective, establish guidelines and procedures to deter damage resulting from flooding and storm surges.

(7) In establishing the construction standards, the utility shall seek input from other entities with existing agreements to share the use of its electric facilities. Any dispute or challenge to a utility's construction standards by a customer, applicant for service, or attaching entity shall be resolved by the Commission.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c),(f), (5),(6), 366.05(1),(7),(8) FS. History--Amended 7-29-69, 12-20-82, Formerly 25-6.34, Amended \_\_\_\_\_.

#### 25-6.0341 Location of the Utility's Electric Distribution Facilities.

In order to facilitate safe and efficient access for installation and maintenance, to the extent practical, feasible, and cost-effective, electric distribution facilities shall be placed adjacent to a public road, normally in front of the customer's premises.

(1) For initial installation, expansion, rebuild, or relocation of overhead facilities, utilities shall use easements, public streets, roads and highways along which the utility has the legal right to occupy, and public lands and private property across which rights-of-way and easements have been provided by the applicant for service.

(2) For initial installation, expansion, rebuild, or relocation of underground facilities, the utility shall require the applicant for service to provide easements along the front edge of the property, unless the utility determines there is an operational, economic, or reliability benefit to use another location.

(3) For conversions of existing overhead facilities to underground facilities, the utility shall, if the applicant for service is a local government that provides all necessary permits and meets the utility's legal, financial, and operational requirements, place facilities in road rights-of-way in lieu of requiring easements.

(4) Where the expansion, rebuild, or relocation of electric distribution facilities affects existing third-party attachments, the electric utility shall seek input from and, to the extent practical, coordinate the construction of its facilities with the third-party attacher.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (5), (6), 366.05(1),(8) FS. History--New \_\_\_\_\_.

25-6.0342 Third-Party Attachment Standards and Procedures.

(1) As part of its construction standards adopted pursuant to Rule 25-6.034, F.A.C., each utility shall establish and maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the applicable edition of the National Electrical Safety Code (ANSI C-2) pursuant to subsection 25-6.034(4), F.A.C., and other applicable standards imposed by state and federal law so as to assure, as far as is reasonably possible, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(2) No attachment to a utility's electric transmission or distribution poles shall be made except in compliance with such utility's Attachment Standards and Procedures.

(3) In establishing the Attachment Standards and Procedures, the utility shall seek input from other entities with existing agreements to share the use of its electric facilities. Any dispute arising from the implementation of this rule shall be resolved by the Commission.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(c), (5), (6), 366.05(1), (8) FS. History--New \_\_\_\_\_.

25-6.0343 Municipal Electric Utilities and Rural Electric Cooperatives.(1) Standards of Construction.

(a) Application and Scope. This rule is intended to define construction standards for all overhead and underground electrical transmission and distribution facilities to ensure the provision of adequate and reliable electric service for operational as well as emergency purposes. This rule applies to all municipal electric utilities and rural electric cooperatives.

(b) Each utility shall establish, no later than 180 days after the effective date of this rule, construction standards for overhead and underground electrical transmission and distribution facilities that conform to the provisions of this rule. Each utility shall maintain a copy of its construction standards at its main corporate headquarters and at each district office. Subsequent updates, changes, and modifications to the utility's construction standards shall be labeled to indicate the effective date of the new version and all revisions from the prior version shall be identified. Upon request, the utility shall provide access, within 2 working days, to a copy of its construction standards for review by Commission staff in Tallahassee.

(c) The facilities of each utility shall be constructed, installed, maintained and operated in accordance with generally accepted engineering practices to assure, as far as is reasonably possible, continuity of service and uniformity in the quality of service furnished.

(d) Each utility shall, at a minimum, comply with the applicable edition of the National Electrical Safety Code (ANSI C-2) [NESC].

1. The Commission adopts and incorporates by reference the 2002 edition of the NESC, published August 1, 2001. A copy of the 2002 NESC, ISBN number 0-7381-2778-7, may be obtained from the Institute of Electric and Electronic Engineers, Inc. (IEEE).

2. Electrical facilities constructed prior to the effective date of the 2002 edition of the NESC shall be governed by the applicable edition of the NESC in effect at the time of the initial construction.

(e) For the construction of distribution facilities, each utility shall, to the extent reasonably practical, feasible, and cost-effective, be guided by the extreme wind loading standards specified by Figure 250-2(d) of the 2002 edition of the NESC. As part of its construction standards, each utility shall establish guidelines and procedures governing the applicability and use of the extreme wind loading standards to enhance reliability and reduce restoration costs and outage times for each of the following types of construction:

1. New construction;

2. Major planned work, including expansion, rebuild, or relocation of existing facilities, assigned on or after the effective date of this rule; and

3. Targeted critical infrastructure facilities and major thoroughfares taking into account political and geographical boundaries and other applicable operational considerations.

(f) For the construction of underground distribution facilities and their supporting overhead facilities, each utility shall, to the extent reasonably practical, feasible, and cost-effective, establish guidelines and procedures to deter damage resulting from flooding and storm surges.

(2) Location of the Utility's Electric Distribution Facilities. In order to facilitate safe and efficient access for installation and maintenance, to the extent practical, feasible, and cost-effective, electric distribution facilities shall be placed adjacent to a public road, normally in front of the customer's premises.

(a) For initial installation, expansion, rebuild, or relocation of overhead facilities, utilities shall use easements, public streets, roads and highways along which the utility has the legal right to occupy, and public lands and private property across which rights-of-way and easements have been provided by the applicant for service.

(b) For initial installation, expansion, rebuild, or relocation of underground facilities, the utility shall require the applicant for service to provide easements along the front edge of the property, unless the utility determines there is an operational, economic, or reliability benefit to use another location.

(c) For conversions of existing overhead facilities to underground facilities, the utility shall, if the applicant for service is a local government that provides all necessary permits and meets the utility's legal, financial, and operational requirements, place facilities in road rights-of-way in lieu of requiring easements.

(3) Third-Party Attachment Standards and Procedures.

(a) As part of its construction standards adopted pursuant to subsection (1), each utility shall establish and maintain written safety, reliability, pole loading capacity, and engineering standards and procedures for attachments by others to the utility's electric transmission and distribution poles (Attachment Standards and Procedures). The Attachment Standards and Procedures shall meet or exceed the applicable edition of the National Electrical Safety Code (ANSI C-2) pursuant to paragraph (1)(d) of this rule and other applicable standards imposed by state and federal law so as to assure, as far as is reasonably possible, that third-party facilities attached to electric transmission and distribution poles do not impair electric safety, adequacy, or reliability; do not exceed pole loading capacity; and are constructed, installed, maintained, and operated in accordance with generally accepted engineering practices for the utility's service territory.

(b) No attachment to a utility's electric transmission or distribution poles shall be made except in compliance with such utility's Attachment Standards and Procedures.

(4) In establishing the construction standards and the attachment standards and procedures, the utility shall seek input from other entities with existing agreements to share the use of its electric facilities. Any dispute or challenge to a utility's construction standards by a customer, applicant for service, or attaching entity shall be resolved by the Commission. Where the expansion, rebuild, or relocation of electric distribution facilities affects existing third-party attachments, the electric utility shall seek input from and, to the extent practical, coordinate the construction of its facilities with the third-party attacher.

(5) If the Commission finds that a municipal electric utility or rural electric cooperative utility has demonstrated that its standards of construction will not result in service to the utility's general body of ratepayers that is less reliable, the Commission shall exempt the utility from compliance with the rule.

Specific Authority 350.127, 366.05(1) FS. Law Implemented 366.04(2)(c), (f), (5), (6), 366.05(8) FS. History--New \_\_\_\_\_.

25-6.0345 Safety Standards for Construction of New Transmission and Distribution Facilities.

(1) In compliance with Section 366.04(6)(b), F.S., 1991, the Commission adopts and incorporates by reference the 2002 edition of the National Electrical Safety Code (ANSI C-2), published August 1, 2001, as the applicable safety standards for transmission and distribution facilities subject to the Commission's safety jurisdiction. Each investor-owned public electric utility, rural electric cooperative, and municipal electric system shall, at a minimum, comply with the standards in these provisions. Standards contained in the 2002 edition shall be applicable to new construction for which a work order number is assigned on or after the effective date of this rule.

(2) Each investor-owned public electric utility, rural electric cooperative and municipal electric utility shall report all completed electric work orders, whether completed by the utility or one of its contractors, at the end of each quarter of the year. The report shall be filed with the Director of the Commission's Division of Regulatory Compliance and Consumer Assistance ~~Auditing and Safety~~ no later than the 30th working day after the last day of the reporting quarter, and shall contain, at a minimum, the following information for each work order:

- (a) Work order number/project/job;
- (b) Brief title outlining the general nature of the work; ~~and~~
- (c) Estimated cost in dollars, rounded to nearest thousand and:-
- (d) Location of project.

(3) The quarterly report shall be filed in standard DBase or compatible format, DOS ASCII text, or hard copy, as follows:

(a) DBase Format

Field Name	Field Type	Digits
1. Work orders	Character	20
2. Brief title	Character	30
3. Cost	Numeric	8
4. Location	Character	50
<del>5. KV</del>	<del>Numeric</del>	<del>5</del>
<del>6. Contiguous</del>	<del>Character</del>	<del>1</del>

(b) DOS ASCII Text.

- 1. through 5.(c) No change.

The following format is preferred, but not required:

Completed Electrical Work Orders For PSC Inspection

Work Order	Brief Title	Estimated Cost	Location	KV Rating	Contiguous (y/n)
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- (4) No change.

(5) As soon as practicable, but by the end of the next business day after it learns of the occurrence, each investor-owned electric public utility, rural electric

cooperative, and municipal electric utility shall (without admitting liability) report to the Commission any accident occurring in connection with any part of its transmission or distribution facilities which:

(a) through (b) No change.

(6) Each investor-owned electric public utility, rural electric cooperative, and municipal electric utility shall (without admitting liability) report each accident or malfunction, occurring in connection with any part of its transmission or distribution facilities, to the Commission within 30 days after it learns of the occurrence, provided the accident or malfunction:

(a) through (7) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.04(2)(f), (6), 366.05(7) FS. History--New 8-13-87, Amended 2-18-90, 11-10-93, 8-17-97, 7-16-02, \_\_\_\_\_.

PART IV GENERAL SERVICE PROVISIONS

25-6.064 Extension of Facilities; Contribution-in-Aid-of-Construction for Installation of New or Upgraded Facilities.

(1) Application and scope Purpose. The purpose of this rule is to establish a uniform procedure by which investor-owned electric utilities subject to this rule will calculate amounts due as contributions-in-aid-of-construction (CIAC) from customers who request new facilities or upgraded facilities require extensions of distribution facilities in order to receive electric service, except as provided in Rule 25-6.078, F.A.C.

(2) Contributions-in-aid-of-construction for new or upgraded overhead facilities (CIAC<sub>OH</sub>) shall be calculated as follows: Applicability. This rule applies to all investor-owned electric utilities in Florida as defined in Section 366.02, F.S.

$$CIAC_{OH} \equiv \frac{\text{Total estimated work order job cost of installing the facilities}}{\text{Four years expected incremental base energy revenue}} - \frac{\text{Four years expected incremental base demand revenue, if applicable}}$$

(a) The cost of the service drop and meter shall be excluded from the total estimated work order job cost for new overhead facilities.

(b) The net book value and cost of removal, net of the salvage value, for existing facilities shall be included in the total estimated work order job cost for upgrades to those existing facilities.

(c) The expected annual base energy and demand charge revenues shall be estimated for a period ending not more than 5 years after the new or upgraded facilities are placed in service.

(d) In no instance shall the CIAC<sub>OH</sub> be less than zero.

(3) Contributions-in-aid-of-construction for new or upgraded underground facilities (CIAC<sub>UG</sub>) shall be calculated as follows:

$$CIAC_{UG} \equiv CIAC_{OH} \pm \frac{\text{Estimated difference between cost of providing the service underground and overhead}}$$

~~(3) Definitions. Actual or estimated job cost means the actual cost of providing the specified line extension facilities, calculated after the extension is completed, or the estimated cost of providing the specified facilities before the extension is completed.~~

~~(4) In developing the policy for extending overhead distribution facilities to customers, the following formulas shall be used to determine the contribution in aid of construction owed by the customer.~~

~~(a) For customers in rate classes that pay only energy charges, i.e., those that do not pay demand charges, the CIAC shall be calculated as follows:~~

$$CIAC_{oh} = (\text{Actual or estimated job cost for new poles and conductors and appropriate fixtures required to provide service, excluding transformers, service drops, and meters}) \times (4 \times \text{nonfuel energy charge per KWH} \times \text{expected annual KWH sales over the new line})$$

~~(b) For customers in rate classes that pay both energy charges and demand charges, the CIAC shall be calculated as follows:~~

$$CIAC_{oh} = (\text{Actual or estimated job cost for new poles and conductors and appropriate fixtures required to provide service, excluding transformers, service drops, and meters}) \times (4 \times \text{nonfuel energy charge per KWH} \times \text{expected annual KWH sales over the new line}) + (4 \times \text{expected annual demand charge revenues from sales over the new line})$$

~~(c) Expected demand charge revenues and energy sales shall be based on an annual period ending not more than five years after the extension is placed in service.~~

(5) In developing the policy for extending underground distribution facilities to customers, the following formula shall be used to determine the contribution in aid of construction:

$$CIAC_{ug} = (\text{Estimated difference between+ CIAC}_{oh} \text{ (as above) the cost of providing the distribution line extension including not only the distribution line extension itself but also the transformer, the service drop, and other necessary fixtures, with underground facilities vs. the cost of providing service using overhead facilities})$$



~~(6) Nothing in this rule shall be construed as prohibiting a utility from collecting from a customer the total difference in cost for providing underground service instead of overhead service to that customer.~~

~~(7) In the event that amounts are collected for certain distribution facilities via the URD differential tariff as permitted by Rule 25-6.078, F.A.C., that would also be collected pursuant to this rule, the utility shall give an appropriate credit for such amounts collected via the URD differential tariff when calculating the line extension CIAC due pursuant to this rule.~~

~~(4)(8) Each utility shall apply the above formulas in subsections (2) and (3) of this rule uniformly to residential, commercial and industrial customers requesting new or upgraded facilities at any voltage level requiring line extensions.~~

~~(5) The costs applied to the formula in subsections (2) and (3) shall be based on the requirements of Rule 25-6.034, Standards of Construction.~~

~~(9) Each utility shall calculate an appropriate CIAC for line extensions constructed to serve customers who receive service at the primary distribution voltage level and the transmission voltage level. This CIAC shall be based on the actual or estimated cost of providing the extension less an appropriate credit.~~

~~(6)(10) All CIAC calculations under this rule shall be based on estimated work order job costs. In addition, each The utility shall use its best judgment in estimating the total amount of annual revenues and sales which the new or upgraded facilities are each line extension is expected to produce in the near future.~~

~~(a) A customer may request a review of any CIAC charge within 12 months following the in-service date of the new or upgraded facilities. Upon request, the utility shall true-up the CIAC to reflect the actual costs of construction and actual base revenues received at the time the request is made.~~

~~(b) In cases where more customers than the initial applicant are expected to be served by the new or upgraded facilities, the utility shall prorate the total CIAC over the number of end-use customers expected to be served by the new or upgraded facilities within a period not to exceed 3 years, commencing with the in-service date of the new or upgraded facilities. The utility may require a payment equal to the full amount of the CIAC from the initial customer. For the 3-year period following the in-service date, the utility shall collect from those customers a prorated share of the original CIAC amount, and credit that to the initial customer who paid the CIAC. The utility shall file a tariff outlining its policy for the proration of CIAC.~~

~~(7)(11) The utility may elect to waive all or any portion of the line extension CIAC for customers, even when a CIAC is found to be applicable owing. If hHowever, if the utility waives a the CIAC, the utility shall reduce net plant in service as~~

~~though the CIAC had been collected, unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers commensurate with the waived CIAC. Commission will reduce the utility's net plant in service by an equal amount for ratemaking purposes, as though the CIAC had been collected, except when the company's annual revenues from a customer are sufficient to offset the unpaid line extension CIAC under subsection (4) or (5). Each utility shall maintain records of amounts waived and any subsequent changes that served to offset the CIAC.~~

~~(12) In cases where larger developments are expected to be served by line extensions, the utility may elect to prorate the total line extension costs and CIAC's owed over the number of customers expected to connect to the new line.~~

~~(8)(13) A detailed statement of its standard facilities extension and upgrade policies shall be filed by each utility as part of its tariffs. The tariffs This policy shall have uniform application and shall be nondiscriminatory.~~

~~(9)(14) If a utility and applicant are unable to agree on the CIAC amount, in regard to an extension, either party may appeal to the Commission for a review.~~

Specific Authority 366.05(1), 350.127(2) FS. Law Implemented 366.03, 366.05(1), 366.06(1) FS. History—New 7-29-69, Amended 7-2-85, Formerly 25-6.64, Amended \_\_\_\_\_.

## PART V RULES FOR RESIDENTIAL ELECTRIC UNDERGROUND EXTENSIONS

### 25-6.078 Schedule of Charges.

(1) Each utility shall file with the Commission a written policy that shall become a part of the utility's tariff rules and regulations on the installation of underground facilities in new subdivisions. Such policy shall be subject to review and approval of the Commission and shall include an Estimated Average Cost Differential, if any, and shall state the basis upon which the utility will provide underground service and its method for recovering the difference in cost of an underground system and an equivalent overhead system from the applicant at the time service is extended. The charges to the applicant shall not be more than the estimated difference in cost of an underground system and an equivalent overhead system.

(2) For the purpose of calculating the Estimated Average Cost Differential, cost estimates shall reflect the requirements of Rule 25-6.034, F.A.C., Standards of Construction.

~~(3)(2) On or before October 15th of each year each utility shall file with the Commission's Division of Economic Regulation Form PSC/ECR 13-E, Schedule 1, using current material and labor costs. If the cost differential as calculated in Schedule 1 varies from the Commission-approved differential by plus or minus 10 percent or more, the utility shall file a written policy and supporting data and analyses as prescribed in subsections (1), (4)(3) and (5)(4) of this rule on or before~~

April 1 of the following year; however, each utility shall file a written policy and supporting data and analyses at least once every ~~3~~ three years.

~~(4)(3)~~ Differences in Net Present Value of operational operating and maintenance costs, including average historical storm restoration costs over the life of the facilities, between underground and overhead systems, if any, ~~shall~~ may be taken into consideration in determining the overall Estimated Average Cost Differential. Each utility shall establish sufficient record keeping and accounting measures to separately identify operational costs for underground and overhead facilities, including storm related costs.

~~(5)(4)~~ Detailed supporting data and analyses used to determine the Estimated Average Cost Differential for underground and overhead distribution systems shall be concurrently filed by the utility with the Commission and shall be updated using cost data developed from the most recent 12-month period. The utility shall record these data and analyses on Form PSC/ECR 13-E (10/97). Form PSC/ECR 13-E, entitled "Overhead/Underground Residential Differential Cost Data" is incorporated by reference into this rule and may be obtained from the Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6900.

(5) through (8) renumbered (6) through (9) No change.

~~(10)(9)~~ Nothing in this rule herein contained shall be construed to prevent any utility from waiving assuming all or any portion of a cost differential for ~~of~~ providing underground facilities distribution systems, provided, however, that such assumed cost differential shall not be chargeable to the general body of rate payers, and any such policy adopted by a utility shall have uniform application throughout its service area. If, however, the utility waives the differential, the utility shall reduce net plant in service as though the differential had been collected unless the Commission determines that there is a quantifiable benefit to the general body of ratepayers commensurate with the waived differential.

Specific Authority 350.127(2), 366.04(2)(f), 366.05(1) FS. Law Implemented 366.03, 366.04(1), (4), 366.04(2)(f), 366.06(1) FS. History--New 4-10-71, Amended 4-13-80, 2-12-84, Formerly 25-6.78, Amended 10-29-97,\_\_\_\_\_.

PART VII UNDERGROUND ELECTRIC DISTRIBUTION FACILITY CHARGES

25-6.115 Facility Charges for Conversion of Existing Overhead Providing Underground Facilities of Public Investor-owned Distribution Facilities Excluding New Residential Subdivisions.

(1) Each investor-owned public utility shall file a tariff showing the non-refundable deposit amounts for standard applications addressing ~~new construction and~~ the conversion of existing overhead electric distribution facilities to underground facilities ~~excluding new residential subdivisions~~. The tariff

shall include the general provisions and terms under which the public utility and applicant may enter into a contract for the purpose of ~~new construction or~~ conversion of existing overhead ~~electric~~ facilities to underground ~~electric~~ facilities. The non-refundable deposit amounts shall be calculated in the same manner as approximate the engineering costs for underground facilities serving each of the following scenarios: urban commercial, urban residential, rural residential, existing low-density single family home subdivision and existing high-density single family home subdivision service areas.

(2) For ~~the~~ purposes of this rule, the applicant is the person or entity requesting the conversion seeking the undergrounding of existing overhead electric distribution facilities to underground facilities. In the instance where a local ordinance requires developers to install underground facilities, the developer who actually requests the construction for a specific location is when a developer requests local government development approval, the local government shall not be deemed the applicant for purposes of this rule.

(3) No change.

(a) Such work meets the investor-owned public utility's construction standards;

(b) The investor-owned public utility will own and maintain the completed distribution facilities; and

(c) Such agreement is not expected to cause the general body of ratepayers to incur additional greater costs.

(4) No change.

(5) Upon an applicant's request and payment of the deposit amount, an investor-owned public utility shall provide a binding cost estimate for providing underground electric service.

(6) An applicant shall have at least 180 days from the date the estimate is received; to enter into a contract with the public utility based on the binding cost estimate. The deposit amount shall be used to reduce the charge as indicated in subsection (7) only when the applicant enters into a contract with the public utility within 180 days from the date the estimate is received by the applicant, unless this period is extended by mutual agreement of the applicant and the utility.

(7) through (8) No change.

(a) The estimated cost of construction of the underground distribution facilities based on the requirements of Rule 25-6.034, F.A.C., Standards of Construction, including the construction cost of the underground service lateral(s) to the meter(s) of the customer(s); and

(b) ~~For conversions, the~~ estimated remaining net book value of the existing facilities to be removed less the estimated net salvage value of the facilities to be removed.

(9) For the purpose of this rule, the charge for overhead facilities shall be the estimated construction cost to build new overhead facilities, including the service drop(s) to the meter(s)

of the customer(s). Estimated construction costs shall be based on the requirements of Rule 25-6.034, F.A.C., Standards of Construction.

(10) An applicant ~~requesting to a public utility for~~ construction of underground distribution facilities under this rule may challenge the utility's cost estimates ~~petition the Commission~~ pursuant to Rule 25-22.032, F.A.C.

(11) For purposes of computing the charges required in subsections (8) and (9):

(a) The utility shall include the Net Present Value of operational costs including the average historical storm restoration costs for comparable facilities over the expected life of the facilities.

(b) If the applicant chooses to construct or install all or a part of the requested facilities, all utility costs, including overhead assignments, avoided by the utility due to the applicant assuming responsibility for construction shall be excluded from the costs charged to the customer, or if the full cost has already been paid, credited to the customer. At no time will the costs to the customer be less than zero.

(12) Nothing in this rule shall be construed to prevent any utility from waiving all or any portion of the cost for providing underground facilities. If, however, the utility waives any charge, the utility shall reduce net plant in service as though those charges had been collected unless the Commission determines that there is quantifiable benefits to the general body of ratepayers commensurate with the waived charge.

~~(13)(14)~~ Nothing in this rule shall be construed to grant any investor-owned electric utility any right, title or interest in real property owned by a local government.

Specific Authority 350.127(2) ~~366.04~~, 366.05(1) FS. Law Implemented 366.03, 366.04, 366.05 FS. History—New 9-21-92, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Robert Trapp

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Public Service Commission

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 18, May 5, 2006

If any person decides to appeal any decision of the Commission with respect to any matter considered at the rulemaking hearing, if held, a record of the hearing is necessary. The appellant must ensure that a verbatim record, including testimony and evidence forming the basis of the appeal is made. The Commission usually makes a verbatim record of rulemaking hearings.

Any person requiring some accommodation at this hearing because of a physical impairment should call the Division of the Commission Clerk and Administrative Services at (850)413-6770 at least 48 hours prior to the hearing. Any

person who is hearing or speech impaired should contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at: 1(800)955-8771 (TDD).

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.723  
RULE TITLE: Visiting Check-In Procedures

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to clarify means of obtaining approval for a minor's visit where the legal guardian is incarcerated, yet someone else is taking care of the minor.

SUMMARY: Amends the rule to allow an incarcerated parent or guardian retaining legal custody of a minor to provided a notarized statement authorizing the child of the incarcerated parent to visit. Provides that such authorization remains subject to relevant court orders or relevant departmental rules regarding the inmate's contact with the minor in question.

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: 944.09 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.8031 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:

33-601.723 Visiting Check-In Procedures.

(1) through (4) No change.

(5) A visitor seventeen years old or younger who cannot furnish proof of emancipation must be accompanied during a visit by an approved parent, legal guardian, or authorized adult and must remain under the supervision of that adult at all times. An authorized non-parental adult accompanying a visiting minor must provide a notarized document of guardianship from the minor's parent or legal guardian (neither of which may be an inmate except as provided below ~~not an inmate~~) granting permission for the minor to visit a specifically identified inmate. The document shall be notarized by someone other than the non-parental adult accompanying the minor and shall be updated every six months from the date of issue. In cases where it can be determined that legal custody remains with the incarcerated parent or legal guardian and has not been given to another adult by the court, a notarized statement from

the incarcerated parent or guardian shall be acceptable for purposes of authorizing children of the inmate to visit. Any such authorization remains subject to any relevant court orders or relevant departmental rules regarding the inmate's contact with the minor in question. Falsification of a document of guardianship shall result in the person being subject to suspension of visiting privileges pursuant to paragraph 33-601.731(9)(d), F.A.C.

(6) No change.

Specific Authority ~~944.09, 944.23~~ FS. Law Implemented 20.315, 944.09, 944.23, 944.8031 FS. History--New 11-18-01, Amended 5-27-02, \_\_\_\_\_.

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 15, 2006

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Capital Region Community Development District**

RULE CHAPTER NO.: RULE CHAPTER TITLE:

42CC-1 Capital Region Community Development District

RULE NO.: RULE TITLE:

42CC-1.002 Boundary

PURPOSE, EFFECT AND SUMMARY: The Petition was filed by the Capital Region Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add approximately 45.94 acres. (The District was originally established by Chapter 4CC-1, F.A.C., effective February 28, 2000.) The District currently covers approximately 3,241 acres of land located entirely within the City of Tallahassee, Florida, and unincorporated Leon County, Florida. After expansion, the District will encompass approximately 3,286.94 acres. There are no lands within the expansion parcel that are to be excluded from the District. Petitioner has written consent to amend the boundary of the District from the owners of one hundred percent of the real property comprising the expansion parcel. Pursuant to section 190.046(1)(e), F.S., the filing of the Petition for expansion by the District Board of Supervisors constitutes consent of the landowners. All of the land within the expansion parcel is included within the Southwood Development of Regional Impact. After expansion, the development plan within the District stays the same as the original petition. The District

will continue to support 2,074 single family residential units, 2,696 multifamily units, 2,194,117 square feet of office space and 799,502 square feet of commercial space. The 45.95 acre expansion area is planned for 76 single family residential units and 82 multifamily units. These units are included within the above referenced 2,074 single family units and 2, 696 multifamily units. No additional residential or non-residential development is anticipated as a result of the expansion of the District's boundary.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "9" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the State of Florida, Leon County, and the City of Tallahassee. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be modest, are concurrently budgeted or not burdensome, and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no effect on state and local revenues from the proposed amendment of the rule. The SERC indicates 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. Prospective future landowners 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 operations and maintenance of the District. The SERC further provides the decision to locate within the District is completely voluntary. The SERC concludes that the expansion of the District's boundary will have no impact or a positive impact on small businesses. As to impact on small counties and small cities, Leon County is not a "small" county and the City of Tallahassee is not a "small" city as defined by Section 120.52, F.S. The SERC analysis is based on a straightforward application of economic theory. Input was received from the developer's engineer and other professionals associated with the developer.

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

DATE AND TIME: Tuesday, August 1, 2006, 2:00 p.m.

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

Any person requiring a special accommodation to participate in the hearing 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 IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42CC-1.002 Boundary.

The boundaries of the district are as follows:

The following descriptions include all or part of Sections 2, 3, 9, 10, 11, 14, 15, 16, 20, 21, 22, 23, 26, 27, 28 and 29, Township 1 South, Range 1 East, Leon County, Florida.

Portions of Sections 2, 11, 14, 23 and 26, Township 1 South, Range 1 East, more particularly described as follows:

BEGIN at the Northwest corner of Section 26, Township 1 South, Range 1 East; thence run South along the West line of said Section 26 for 451.73 feet more or less to the Northerly right-of-way line of State Road 261-A (Tram Road); thence run South 77 degrees 00 minutes 41 seconds East 191.64 feet; thence run North 495.02 feet more or less to the North line of said Section 26; thence continue North 2829.68 feet more or less to the beginning of a curve concave to the East; thence Northeasterly along said curve having a radius of 3444.00 feet through a central angle of 20 degrees 02 minutes 36 seconds for an arc distance of 1204.80 feet to the end of the curve; thence run North 20 degrees 02 minutes 37 seconds East for 635.00 feet to the beginning of a compound curve concave to the West; thence Northeasterly along said curve having a radius of 1956.02 feet, through a central angle of 19 degrees 57 minutes 51 seconds for an arc distance of 681.56 feet to the point of compound curvature; thence continue Northerly and Northwesterly along said curve having a radius of 1956.02 feet; through a central angle of 23 degrees 44 minutes 04 seconds for an arc distance of 810.27 feet to a point of reverse curve concave to the East; thence Northerly along said curve having a radius of 3144.08 feet, through a central angle of 21 degrees 38 minutes 15 seconds for an arc distance of 1187.35 feet to the beginning of a curve concave to the East; thence Northerly along said curve having a radius of 4983.90 feet through a central angle of 12 degrees 57 minutes 37 seconds for an arc distance of 1127.35 feet; thence run North 00 degrees 09 minutes 48 seconds East for 610.30 feet to the beginning of a curve concave to the West; thence Northerly along said curve having a radius of 10852.98 feet through a central angle of 04 degrees 30 minutes 46 seconds for an arc distance of 854.79 feet, thence run North 12 degrees 23 minutes 29 seconds West 425.58 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 07 degrees 08 minutes 57 seconds for an arc distance of 417.09 feet to the beginning of a curve concave to the Southwest, thence Northwesterly along said curve having a radius of 3342.64 feet through a central angle of 01 degrees 25

minutes 18 seconds for an arc distance of 82.93 feet; thence run North 06 degrees 51 minutes 48 seconds East for 945.08 feet to the beginning of a curve concave to the West, thence along said curve having a radius of 2700.04 feet through a central angle of 03 degrees 50 minutes 52 seconds for an arc distance of 181.33 feet; thence run North 03 degrees 00 minutes 57 seconds East for 4071.36 feet; thence continue North 03 degrees 00 minutes 57 seconds East for 1320.00 feet, more or less, to the North line of the South Half of the South Half of Section 2, Township 1 South, Range 1 East; thence run West along said North line of the South Half of the South Half of Section 2 to its intersection with the West line of said Section 2; thence run South along the West section lines of Sections 2, 11, 14 and 23, Township 1 South, Range 1 East to the Northwest corner of Section 26, Township 1 South, Range 1 East and the POINT OF BEGINNING.

LESS AND EXCEPT;

The rights of way for Southwood Plantation Road and Old St. Augustine Road.

ALSO, LESS AND EXCEPT;

That portion of the following description lying within Section 11, Township 1 South, Range 1 East.

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

SECTION 3

Commence at the Southwest corner of Section 3, Township 1 South, Range 1 East, and run thence North along the Section line 1336.6 feet, thence East 880.0 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING run thence East 1250.0 feet more or less to a point 500 feet West of a point 1336.6 North of the Southeast corner of the Southwest Quarter of said Section 3, thence South 1336.6 feet more or less to the South line of said Section 3, thence West

along said South line of Section 3 to a point due South of the point of beginning, thence North 1336.6 feet more or less to the POINT OF BEGINNING.

AND ALSO;

Begin at the Southwest corner of Section 3, Township 1 South, Range 1 East, thence run North 162.4 feet along the Section line to the South boundary of Old St. Augustine Road, thence southeasterly 845.19 along the South boundary of said road to its intersection with the South Line of said Section 3, thence West along said South line to the POINT OF BEGINNING.

AND ALSO;

Commence at the Northwest corner of the Northwest quarter of the Southeast quarter of Section 3, Township 1 South, Range 1 East, and run thence South 00 degrees 30 minutes West 1266.8 feet along the quarter-section line, thence South 89 degrees 30 minutes East 647.3 feet, thence South 00 degrees 30 minutes West 13.6 feet, thence South 89 degrees 30 minutes East 336.35 feet to a point which is the POINT OF BEGINNING. From said POINT OF BEGINNING, run thence South 89 degrees 30 minutes East 336.35 feet, thence North 00 degrees 30 minutes East 1081.3 feet along the East boundary of the Northwest quarter of the Southeast quarter of said Section 3, to a point 207.7 feet South 00 degrees 30 minutes West of the Northeast corner of the Northwest quarter of the Southeast quarter of said Section 3, thence North 89 degrees 30 minutes West 336.35 feet, thence South 00 degrees 30 minutes West 1081.3 feet to the POINT OF BEGINNING.

AND ALSO;

Begin at the Southeast corner of Section 3, Township 1 South, Range 1 East, and thence run North 1495.0 feet along the East boundary of said Section 3, thence West 701.0 feet, thence North 1158.0 feet to a point on the North boundary of the Southeast Quarter of said Section 3, thence West 639.3 feet to the Northwest corner of the East ½ of the Southeast quarter of said Section 3, thence South 1289.0 feet, thence West 672.7 feet, thence North 13.6 feet, thence West 323.15 feet, thence South 537.53 feet, thence West 324.15 feet to a point on the West boundary of the Southeast quarter of said Section 3, which said point is 1804.33 feet South of the Northwest corner of the Southeast quarter of said Section 3, thence run South 867.4 feet more or less to the South line of said Section 3, thence East along said South line 2640.0 feet more or less to the POINT OF BEGINNING.

AND ALSO;

Commence at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence South 89 degrees 17 minutes 39 seconds East 429.17 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run thence South 89 degrees 17 minutes 38 seconds East 142.0 feet to the West boundary of that property described in Official Records Book 1410, Page 1913 of the Public Records of Leon County, Florida, thence North 00

degrees 49 minutes 21 seconds East along said boundary 322.92 feet to the southerly right of way boundary of State Road No. 20 (Apalachee Parkway), thence South 85 degrees 40 minutes 30 seconds West along said boundary 200.81 feet, thence leaving said boundary South 00 degrees 58 minutes 17 seconds West 218.30 feet, thence South 32 degrees 54 minutes 08 seconds East 104.47 feet to the POINT OF BEGINNING.

LESS AND EXCEPT;

Begin at the Southwest corner of the East half of the Northeast quarter of Section 3, Township 1 South, Range 1 East, Leon County, Florida, marked by a one inch iron pipe and run thence North 00 degrees 36 minutes 43 seconds East along the West boundary of that property described in Official Records Book 1306, Page 2238 of the Public Records of Leon County, Florida 272.53 feet to the Southern right of way boundary of State Road 20 (Apalachee Parkway), thence along said right of way boundary North 83 degrees 40 minutes 30 seconds East 292.77 feet, thence leaving said right of way boundary run South 03 degrees 41 minutes 54 seconds East along the East boundary of said property in Official Records Book 1306, Page 2238 for a distance of 299.09 feet, thence South 89 degrees 17 minutes 38 seconds East 115.01 feet, thence South 32 degrees 53 minutes 35 seconds East 17.31 feet, thence South 00 degrees 35 minutes 30 seconds West 1171.25 feet, thence South 87 degrees 54 minutes 45 seconds West 777.95 feet to the East boundary of that property described in Official Records Book 610, Page 165 of the Public Records of Leon County, Florida, thence North 00 degrees 41 minutes 14 seconds East along said boundary 1012.36 feet to the South boundary of that property described in Official Records Book 1257, Page 614 of the Public Records of Leon County, Florida, thence South 89 degrees 11 minutes 08 seconds East along said boundary 336.62 feet, thence North 00 degrees 36 minutes 43 seconds East along the East boundary of said property 211.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

The rights of way for Southwood Plantation Road, Old St. Augustine Road and the 100-foot power line right of way conveyed to the City of Tallahassee.

SECTION 9

The Southeast Quarter of the Southeast Quarter of the Southwest Quarter of Section 9, Township 1 South, Range 1 East, less the right-of-way of State Road No. 363 (Capital Circle).

AND ALSO;

That part of the West Half of the Northeast Quarter lying South and East of State Road No. 363 (Capital Circle).

AND ALSO;

The Southeast Quarter of the Northeast Quarter less the North 66 feet thereof.

AND ALSO;

BEGIN at a point 66 feet South of the Southwest corner of the Northeast Quarter of the Northeast Quarter, thence run North 210 feet; thence East 210 feet; thence run South 210 feet; thence run West 210 feet to the POINT OF BEGINNING.

LESS AND EXCEPT;

The 100-foot Power Line right-of-way conveyed to the City of Tallahassee and the right-of-way for State Road No. 363 (Capital Circle).

#### SECTION 10

All of Section 10, Township 1 South, Range 1 East.

LESS AND EXCEPT;

COMMENCE at the intersection of the South right-of-way line of State Road No. 364 (Old St. Augustine Road) and the West boundary of the East Half of the Northeast Quarter of Section 10, Township 1 South, Range 1 East, Leon County, Florida; thence run South 76 degrees 57 minutes East along the South right-of-way line of said State Road No. 364 a distance of 670.59 feet to the POINT OF BEGINNING; thence run South 00 degrees 34 minutes 40 seconds East 1399.27 feet to a concrete monument; thence run South 89 degrees 13 minutes 20 seconds East 648.44 feet to a St. Joe Paper Company concrete monument on the West right-of-way line of Southwood Plantation Road; thence run North 03 degrees 33 minutes 20 seconds East along said West right of way line of Southwood Plantation Road a distance of 1251.37 feet, more or less, to a concrete monument marking the intersection of the West right-of-way line of Southwood Plantation Road with the South right-of-way line of Old St. Augustine Road; thence run North 76 degrees 57 minutes West along said South right-of-way line of Old St. Augustine Road a distance of 758 feet, more or less, to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

BEGIN at the Southwest corner of the Southeast Quarter of the Southeast Quarter of Section 10, Township 1 South, Range 1 East, and run thence North 200 feet, thence East 500 feet, thence South 185 feet, thence East 820 feet to the East line of said Section 10, thence South 15 feet to the South line of said Section 10, thence West 1320 feet, more or less, to the POINT OF BEGINNING, containing 2.57 acres, more or less.

ALSO, LESS AND EXCEPT;

BEGIN at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 10,

Township 1 South, Range 1 East, thence run East 362 feet, thence run North 385 feet to a point in the center of the St. Augustine Road, thence run in a Northwesterly direction 398 feet to a point on the West boundary of the Northeast Quarter of said Section 10, said point being 579 feet North of the POINT OF BEGINNING, thence run South 579 feet to the POINT OF BEGINNING, except the portion thereof included in the right-of-way of the Old St. Augustine Road.

ALSO, LESS AND EXCEPT;

COMMENCE at the Southeast corner of Section 10, Township 1 South, Range 1 East, Leon County, Florida, and run thence West along the section line a distance of 20 feet, or to the West boundary of Southwood Road, thence North along the West boundary of said Southwood Road, a distance of 40 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING continue thence North along said West boundary 100 feet, thence West parallel to the South line of said Section 10 a distance of 435.6 feet, thence South 100 feet, thence East 435.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

BEGIN at the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 10, Township 1 South, Range 1 East and run West along the North line of said Section 10 for 500 feet; thence run south 456 feet, more or less, to the Northerly right-of-way line of Old St. Augustine Road; thence Southeasterly along the North right-of-way line of Old St. Augustine Road 589 feet, more or less, to the East boundary of the Northwest Quarter of said Section 10; thence North 678.6 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

The rights of way for Old St. Augustine Road, Southwood Plantation Road and the 100-foot power line right of way are conveyed to the City of Tallahassee.

#### SECTION 15

All of Section 15, Township 1 South, Range 1 East, Leon County, Florida.

LESS AND EXCEPT;

That part of the following described parcel lying in Section 15, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of



curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees

31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

## SECTION 16

All of Section 16, Township 1 South, Range 1 East lying East of State Road 261 (Capital Circle).

AND ALSO;

The North 34.99 chains of the East half of the Northwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

AND ALSO;

The West half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida.

AND ALSO;

All that part of the South 26.66 chains of the East half of the Southwest quarter of Section 16, Township 1 South, Range 1 East, Leon County, Florida, lying West of State Road 261 (Capital Circle).

LESS AND EXCEPT;

The right of way for State Road 261 (Capital Circle), the 100 foot power line right of way conveyed to the City of Tallahassee and the right of way conveyed as the Blair Stone Road Extension recorded in Leon County Official Records Book 2080, Page 1542.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet

to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04

seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way),

thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261), thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.96 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 11 degrees 41 minutes 59 seconds for an arc length of 779.97 feet (chord of 778.61 feet bears North 06 degrees 09 minutes 27 seconds East), thence North 00 degrees 18 minutes 28 seconds East 2903.59 feet, thence leaving said centerline run South 89 degrees 57 minutes 06 seconds East 125.00 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 18 minutes 28 seconds East 812.00 feet to a set iron rebar and cap, thence South 89 degrees 41 minutes 32 seconds East 778.83 feet to a set iron rebar and cap on the westerly right of way of a proposed roadway (65 foot right of way), thence South along said westerly right of way 176.04 feet to a set iron rebar and cap marking a point of curve to the left, thence along said right of way curve with a radius of 2550.10 feet through a central angle of 13 degrees 38 minutes 55 seconds for an arc length of 607.47 feet (chord of 606.03 feet bears South 06 degrees 49 minutes 28 seconds East) to a set iron rebar and cap, thence South 13 degrees 38 minutes 58 seconds East 31.65 feet to a set iron rebar and cap, thence leaving said proposed right of way run North 89 degrees 57 minutes 06 seconds West 867.59 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described property lying in Section 16, Township 1 South, Range 1 East.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet

to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

SECTION 20

The East Half of Section 20, Township 1 South, Range 1 East  
LESS AND EXCEPT;

That part of the North Half of the North Half of said Section 20 lying North of State Road 261-A (Tram Road).

The right of way for State Road 261-A (Tram Road) and the 100-foot power line right of way conveyed to the City of Tallahassee.

#### SECTION 21

All of Section 21, Township 1 South, Range 1 East, lying North of State Road 261-A (Tram Road) and the following portion of said Section 21 lying South of Tram Road and West of Capital Circle:

BEGIN at the Southwest corner of Section 21, Township 1 South, Range 1 East, thence run North along the West line of said Section 21 to its intersection with the Southerly right-of-way line of State Road 261-A (Tram Road); thence run Southeasterly along said right-of-way line to the West boundary of that property described as Parcel No. Three in Official Records Book 2006, Page 2252 of the Public Records of Leon County, Florida; thence run South along said boundary and continuation thereof for 1002.3, more or less, to the North boundary of that property described in Official Records Book 1225, Page 2379 of the Public Records of Leon County, Florida; thence run South along the West boundary of said property described in Official Records Book 1225, Page 2379 and a continuation thereof to the South line of said Section 21; thence run West for 660 feet, more or less, to the Southwest corner of said Section 21 and the POINT OF BEGINNING.

#### AND ALSO;

The following described parcel lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector, thence run South 13 degrees 01 minute 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said

northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap to the POINT OF BEGINNING. From said POINT OF BEGINNING thence continue North 21 degrees 57 minutes 48 seconds East 95.89 feet to a concrete monument, thence run North 10 degrees 53 minutes 34 seconds East 219.79 feet to a concrete monument, thence run North 02 degrees 57 minutes 51 seconds East 603.14 feet to a concrete monument, thence run North 07 degrees 58 minutes 29 seconds East 112.07 feet to a point on the southerly right of way boundary of Shumard Oak Boulevard and a curve concave southwesterly, thence run southeasterly along said right of way curve with a radius of 666.67 feet through a central angle of 24 degrees 05 minutes 36 seconds for an arc distance of 280.34 feet (chord of 278.28 feet bears South 76 degrees 41 minutes 39 seconds East) to a point of reverse curve to the left, thence run southeasterly along said curve with a radius of 1293.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc distance of 528.55 feet (chord of 524.87 feet bears South 76 degrees 21 minutes 29 seconds East), thence run South 88 degrees 04 minutes 07 seconds East 297.07 feet to a point of curve to the right, thence run southeasterly along said curve with a radius of 30.00 feet through a central angle of 90 degrees 54 minutes 41 seconds for an arc distance of 47.60 feet (chord of 42.76 feet bears South 42 degrees 36 minutes 47 seconds East) to a point of curve to the right and the westerly right of way boundary of Tram Road Connector, thence run southwesterly along said right of way curve with a radius of 1168.00 feet through a central angle of 17 degrees 26 minutes 30 seconds for an arc distance of 355.56 feet (chord of 354.19 feet bears South 11 degrees 33 minutes 49 seconds West), thence run South 20 degrees 17 minutes 04 seconds West 816.47 feet, thence leaving said westerly right of way boundary run North 69 degrees 42 minutes 56 seconds West 934.79 feet to the POINT OF BEGINNING.

#### AND ALSO;

The existing St. Joe Corp. property lying in the Southeast Quarter of Section 21, Township 1 South, Range 1 East, Leon County, Florida lying south of Tram Road (know as Tax ID parcel 31-21-20-002-000.0).

#### LESS AND EXCEPT;

The right-of-way of State Road No. 263 (Capital Circle), the right-of-way of State Road No. 261-A (Tram Road), and the 100-foot Power Line right-of-way deeded to the City of Tallahassee.

#### ALSO, LESS AND EXCEPT;

BEGIN at a point on the West line of Section 21, Township 1 South, Range 1 East, said point being 1326.2 feet North of the Southwest corner of the Northwest Quarter of the Southwest Quarter of said Section 21, and run thence East 100 feet, thence

North 01 degrees 58 minutes West for 390.25 feet to a point on the South boundary of the right-of-way of the public road, thence Northwesterly along said right-of-way boundary for 100 feet to a point on the West line of said Section 21, thence South along the Section line for 440 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying in Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of

468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 1469.04 feet to a point of curve to the right, thence along said curve with a radius of 3205.07 feet through a central angle of 17 degrees 06 minutes 44 seconds for an arc length of 957.24 feet (chord of 953.69 feet bears North 68 degrees 25 minutes 19 seconds West), thence North 59 degrees 51 minutes 57 seconds West 846.38 feet to the intersection of the centerline of Tram Road with the centerline of Capital Circle Southeast (State Road No. 261),

thence North 12 degrees 00 minutes 01 seconds East along said centerline 1.97 feet, thence North 12 degrees 00 minutes 27 seconds East along said centerline 1844.79 feet to a point of curve to the left, thence along said curve with a radius of 3819.66 feet through a central angle of 05 degrees 31 minutes 26 seconds for an arc length of 368.25 feet (chord of 368.10 feet bears North 09 degrees 14 minutes 44 seconds East), thence leaving said centerline run North 82 degrees 45 minutes 59 seconds West 125.01 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 82 degrees 45 minutes 59 seconds West along the northerly right of way of a proposed road (100 foot right of way) a distance of 407.94 feet to set iron rebar and cap marking a point of curve to the left, thence along said curve with a radius of 4425.00 feet through a central angle of 06 degrees 47 minutes 31 seconds for an arc length of 524.55 feet (chord of 524.25 feet bears North 86 degrees 09 minutes 44 seconds West) to a set iron rebar and cap, thence North 89 degrees 33 minutes 30 seconds West 254.27 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 00 seconds for an arc length of 47.12 feet (chord of 42.43 feet bears North 44 degrees 33 minutes 30 seconds West) to a set iron rebar and cap on the easterly right of way of a proposed roadway (100 foot right of way), thence North 00 degrees 26 minutes 30 seconds East along said right of way 992.45 feet to a set iron rebar and cap marking a point of curve to the right, thence along said right of way curve with a radius of 750.00 feet through a central angle of 92 degrees 45 minutes 19 seconds for an arc length of 1214.16 feet (chord of 1085.85 feet bears North 46 degrees 49 minutes 10 seconds East) to a set iron rebar and cap thence South 86 degrees 48 minutes 11 seconds East along said right of way 444.13 feet to a set iron rebar and cap, thence leaving said right of way run South 00 degrees 18 minutes 28 seconds West 1433.65 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 3694.66 feet through a central angle of 06 degrees 09 minutes 02 seconds for an arc length of 396.61 feet (chord of 396.42 feet bears South 03 degrees 22 minutes 59 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the

centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 east, Leon County, Florida, and run thence Southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03 degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord



bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 575.14 feet to the easterly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said easterly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 690.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 280.36 feet (chord of 278.43 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 182.52 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, continue North 36 degrees 20 minutes 50 seconds East, along said easterly right-of-way boundary, a distance of 341.40 feet; thence South 53 degrees 39 minutes 10 seconds East, leaving said easterly right-of-way boundary, a distance of 80.41 feet; thence South 24 degrees 32 minutes 39 seconds East a distance of 102.95 feet; South 22 degrees 38 minutes 05 seconds West a distance of 140.69 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 125.00 feet, through a central angle of 103 degrees 42 minutes 45 seconds, an arc distance of 226.27 feet (chord of 196.62 feet bears South 74 degrees 29 minutes 27 seconds West) to a point of tangency; thence North 53 degrees 39 minutes 10 seconds West a distance of 82.27 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle

of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 - 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 1461.36 feet to a point of curve to the right; thence Northwesterly, along said northerly right-of-way curve, on a radius of 3173.42 feet, through a central angle of 06 degrees 02 minutes 35 seconds, an arc distance of 334.71 feet (chord of 334.55 feet bears North 73 degrees 54 minutes 41 seconds West) to the easterly boundary of the Capital Circle Office Center; thence along said easterly boundary as follows: North 35 degrees 45 minutes 00 seconds East a distance of 1562.75 feet; thence North 27 degrees 54 minutes 38 seconds East a distance of 214.56 feet; thence North 22 degrees 00 minutes

33 seconds East a distance of 117.90 feet; thence North 10 degrees 57 minutes 24 seconds East a distance of 219.90 feet; thence North 03 degrees 00 minutes 34 seconds East a distance of 403.26 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING, thence continue North 03 degrees 00 minutes 34 seconds East, along said easterly right-of-way boundary of Capital Circle Office Center, a distance of 200.00 feet; thence North 07 degrees 59 minutes 51 seconds East a distance of 111.96 feet to a point on a curve concave to the south for the southerly right-of-way boundary of Shumard Oak Boulevard (proposed 140' Right-of-way extension); thence Easterly, leaving said easterly boundary of Capital Circle Office Center, along said curve, on a radius of 666.68 feet, through a central angle of 24 degrees 07 minutes 25 seconds, an arc distance of 280.70 feet (chord of 278.63 feet bears South 75 degrees 39 minutes 54 seconds East); thence South 23 degrees 59 minutes 03 seconds West, leaving said southern right-of-way boundary of Shumard Oak Boulevard, a distance of 48.29 feet to a point of curve to the left; thence Southwesterly, along said curve, on a radius of 140.00 feet, through a central angle of 52 degrees 35 minutes 41 seconds, an arc distance of 128.51 feet (chord of 124.05 feet bears South 02 degrees 18 minutes 47 seconds West) to a point of reverse curve; thence Southeasterly, along said curve, on a radius of 140.00 feet, through a central angle of 42 degrees 21 minutes 34 seconds, an arc distance of 103.50 feet (chord of 101.16 feet bears South 07 degrees 25 minutes 51 seconds East); thence South 13 degrees 44 minutes 56 seconds West a distance of 101.60 feet; thence South 76 degrees 08 minutes 21 seconds West a distance of 73.52 feet to a point on a curve concave to the northeast; thence Northwesterly, along said curve, on a radius of 320.00 feet, through a central angle of 33 degrees 52 minutes 27 seconds, an arc distance of 189.19 feet (chord of 186.45 feet bears North 43 degrees 46 minutes 53 seconds West) to a point on a line; thence North 86 degrees 59 minutes 26 seconds West a distance of 71.22 feet to the POINT OF BEGINNING.

#### SECTION 22

All of Section 22, Township 1 South, Range 1 East, Leon County, lying North of State Road 261-A (Tram Road).

#### LESS AND EXCEPT;

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the

centerline of said Tram Road Connector 86.22 feet to a nail and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a nail and cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a nail and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a nail and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a nail and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a nail and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oaks Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West) to a concrete monument, thence North 45 degrees 02 minutes 49 seconds West 16.88 feet to a concrete monument on the easterly right of way of Satellite Boulevard, thence run North 12 degrees 57 minutes 04 seconds East 425.57 feet to a concrete monument, thence North 06 degrees 56 minutes 31 seconds East 313.58 feet to a concrete monument, thence North 00 degrees 03 minutes 25 seconds West 403.16 feet to a concrete monument, thence North 03 degrees 44 minutes 41 seconds East 288.47 feet to an iron rod and cap, thence North 11 degrees 09 minutes 38 seconds East 286.37 feet to a concrete monument, thence North 16 degrees 57 minutes 18 seconds East 242.82 feet to a point on the southerly right of way of a proposed roadway (65 foot right of way); thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 412.87 feet to a

point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79 degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING, containing 45.938 acres more or less.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 21, Township 1 South, Range 1 East, Leon County, Florida.

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the Tram Road Connector (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet; thence leaving said centerline run North 76 degrees 58 minutes 38 seconds West 60.00 feet to a concrete monument on the westerly right-of-way boundary of said Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING thence run South 13 degrees 01 minutes 22 seconds West along said westerly right-of-way 53.22 feet to a concrete monument marking the north right-of-way boundary of said Tram Road; thence run North 76 degrees 58 minutes 41 seconds West along said northerly right-of-way of Tram Road 766.36 feet to a set iron rod and cap marking a point of curve to the right, thence run northwesterly along said right of way curve with a radius of 3172.07 feet through a central angle of 06 degrees 02 minutes 20 seconds for an arc distance of 334.34 feet (chord bears North 73 degrees 57 minutes 31 seconds West 334.18 feet) to a concrete monument marking the easterly boundary of the existing Capital Circle Office Center; thence leaving said northerly right-of-way run North 35 degrees 42 minutes 40 seconds East 1562.71 feet to a concrete monument; thence run North 27 degrees 52 minutes 52 seconds East 214.31 feet to a concrete monument; thence run North 21 degrees 57 minutes 48 seconds East 22.24 feet to an iron rod and cap; thence leaving said easterly boundary of the existing

Capital Circle Office Center run South 69 degrees 42 minutes 56 seconds East 739.36 feet; thence run southwesterly along a non-tangent curve to the right with a radius of 140.00 feet through a central angle of 40 degrees 16 minutes 49 seconds for an arc distance 98.42 feet (chord bears South 14 degrees 04 minutes 23 seconds West 96.41 feet) to a point of reverse curve to the left; thence run southeasterly along said curve with a radius of 110.00 feet through a central angle of 101 degrees 55 minutes 47 seconds for an arc distance of 195.69 feet (chord bears South 16 degrees 42 minutes 26 seconds East 170.89 feet); thence run South 67 degrees 43 minutes 00 seconds East 81.70 feet to the westerly right-of-way boundary of said Tram Road Connector; thence run southwesterly along said westerly right-of-way along a curve to the right with a radius of 690.00 feet through a central angle of 14 degrees 01 minutes 10 seconds for an arc distance of 168.83 feet (chord bears South 29 degrees 17 minutes 35 seconds West 168.41 feet) to a concrete monument; thence run South 36 degrees 18 minutes 10 seconds West along said westerly right of way 873.23 feet to a concrete monument marking a point of curve to the right, thence run southwesterly along said right of way curve with a radius of 810.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc distance of 329.11 feet (chord bears South 24 degrees 39 minutes 46 seconds West 326.85 feet) to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described right of way of Satellite Boulevard, Shumard Oak Boulevard, and Tram Road Connector lying in Sections 21 and 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCE at the Northeast corner of Section 16, Township 1 South, Range 1 East, Leon County, Florida, and run thence southerly along the East boundary of said Section 16 a distance of 5267.45 feet, thence departing said East boundary of said Section 16 run North 89 degrees 55 minutes West 2435.48 feet to the POINT OF BEGINNING. From said POINT OF BEGINNING run North 00 degrees 22 minutes East 539.88 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 1145.90 feet, through a central angle of 13 degrees 38 minutes 11 seconds for an arc distance of 272.72 feet (chord bears North 85 degrees 10 minutes 09 seconds East 272.08 feet) thence North 78 degrees 21 minutes 04 seconds East 534.04 feet to a point on a curve concave Southwesterly, thence along said curve having a radius of 1495.50 feet, through a central angle of 28 degrees 41 minutes 51 seconds for an arc distance of 749.04 feet (chord bears South 87 degrees 18 minutes 01 seconds East 741.24 feet), thence South 72 degrees 57 minutes 06 seconds East 648.97 feet, thence South 17 degrees West 242.82 feet, thence South 11 degrees West 286.37 feet, thence South 04 degrees West 288.47 feet, thence South 403.15 feet, thence South 07 degrees West 313.63 feet, thence South 13 degrees West 501.05 feet, thence South 08 degrees West 189.52 feet, thence South 03

degrees West 603.15 feet, thence South 11 degrees East 219.95 feet, thence South 22 degrees West 117.84 feet, thence South 28 degrees West 214.38 feet, thence South 35 degrees 43 minutes 28 seconds West 1562.52 feet to a point on the Northerly right of way boundary of State Road 261-A (Tram Road), said point being on a curve concave Northeasterly, thence along said Northerly right of way boundary of Tram Road and said curve having a radius of 3178.52 feet, through a central angle of 02 degrees 14 minutes 42 seconds for an arc distance of 124.54 feet (chord bears South 69 degrees 46 minutes 38 seconds East 124.53 feet) to a point on a curve concave Northeasterly, thence along said curve having a radius of 3178.52 feet, through a central angle of 08 degrees 47 minutes 00 seconds for an arc distance of 487.26 feet (chord bears North 64 degrees 15 minutes 48 seconds West 486.79 feet), thence North 59 degrees 56 minutes West 733.87 feet, thence departing said Northerly right of way boundary of Tram Road run North 12 degrees 04 minutes 1851.01 feet to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 00 degrees 10 minutes 46 seconds for an arc distance of 12.35 feet (chord bears North 11 degrees 58 minutes 49 seconds East 12.35 feet) to a point on a curve concave Northwesterly, thence along said curve having a radius of 3944.83 feet, through a central angle of 11 degrees 31 minutes 14 seconds for an arc distance of 793.19 feet (chord bears North 06 degrees 07 minutes 37 seconds East 791.86 feet), thence North 00 degrees 22 minutes 897.83 feet to the POINT OF BEGINNING.

ALSO, LESS AND EXCEPT;

That part of the following described parcel lying Section 22, Township 1 South, Range 1 East, Leon County, Florida.

COMMENCING at a concrete monument marking the Southeast Corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida: thence North 00 degrees 16 minutes 20 seconds East a distance of 971.56 feet to the northerly right-of-way boundary of Tram Road (County Road 259 – 66' Right-of-way); thence North 76 degrees 55 minutes 58 seconds West, along said northerly right-of-way boundary, a distance of 695.14 feet to the westerly right-of-way boundary of Tram Connector (proposed 120' Right-of-way); thence along said westerly right-of-way boundary as follows: North 13 degrees 04 minutes 02 seconds East a distance of 53.58 feet to a point of curve to the right; thence Northeasterly, along said curve, on a radius of 810.00 feet, through a central angle of 23 degrees 16 minutes 48 seconds, an arc distance of 329.11 feet (chord of 326.86 feet bears North 24 degrees 42 minutes 26 seconds East) to a point of tangency; thence North 36 degrees 20 minutes 50 seconds East a distance of 908.41 feet to a point of curve to left; thence Northeasterly, along said curve, on a radius of 690.00, through a central angle of 14 degrees 01 minutes 10 seconds, an arc distance of 168.83 feet (chord of 168.41 feet bears North 29 degrees 20 minutes 15 seconds East) to the POINT OF BEGINNING. From said POINT OF

BEGINNING, thence North 67 degrees 40 minutes 20 seconds West a distance of 81.70 feet to a point of curve to the right; thence Northwesterly, along said curve, on a radius of 110.00 feet, an arc distance of 195.69 feet (chord of 170.89 feet bears North 16 degrees 42 minutes 26 seconds West) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 140.00 feet; through a central angle of 41 degrees 09 minutes 41 seconds, an arc distance of 100.58 feet (chord of 98.43 feet bears North 13 degrees 40 minutes 37 seconds East) to a point of reverse curve; thence Northeasterly, along said curve, on a radius of 150.00 feet, through a central angle of 65 degrees 22 minutes 28 seconds, an arc distance of 171.15 feet (chord of 162.02 feet bears North 25 degrees 47 minutes 01 seconds East) to a point of tangency; thence North 58 degrees 28 minutes 15 seconds East a distance of 108.90 feet; thence South 69 degrees 40 minutes 16 seconds East a distance of 113.74 feet to the westerly right-of-way boundary of said Tram Connector; thence South 20 degrees 19 minutes 44 seconds West a distance of 459.89 feet to a point of curve to the right; thence Southwesterly, along said curve, on a radius of 690.00 feet, through a central angle of 01 degrees 59 minutes 56 seconds, an arc distance of 24.07 feet (chord of 24.07 feet bears South 21 degrees 19 minutes 42 seconds West) to the POINT OF BEGINNING.

SECTION 27

That portion of Section 27, Township 1 South, Range 1 East, lying North of the right of way of State road 261-A (Tram Road).

SECTIONS 28 and 29

Any portions of the North Half of Sections 28 and 29, Township 1 South, range 1 East, which may be found to lay North of State Road 261 (Capital Circle).

AND ALSO

A 45.94-acre parcel lying in Sections 15,16,21 and 22 of Township 1 South, Range 1 South, Leon County, Florida and being recorded in Official Records Book 2245, Page 40 of the Public Records of Leon County, Florida as follows:

Commencing at a concrete monument marking the Southeast corner of Section 21, Township 1 South, Range 1 East, Leon County, Florida, thence run North 00 degrees 13 minutes 37 seconds East 937.73 feet to a nail and cap marking the centerline of the 66 foot right-of-way of Tram Road (County Road No. 259); thence run North 76 degrees 58 minutes 41 seconds West along said centerline 642.68 feet to a nail and cap marking the intersection of the centerline of Four Oaks Boulevard (a 120 foot right-of-way) and the centerline of said Tram Road; thence run North 13 degrees 01 minutes 22 seconds East along the centerline of said Tram Road Connector 86.22 feet to a iron rod and cap marking a point of curve to the right, thence along said curve with a radius of 750.00 feet through a central angle of 23 degrees 16 minutes 48 seconds for an arc length of 304.74 feet (chord of 302.64 feet bears North 24 degrees 39 minutes 46 seconds East) to a iron rod and

cap, thence North 36 degrees 18 minutes 10 seconds East 873.23 feet to a iron rod and cap marking a point of curve to the left, thence along said curve with a radius of 750.00 feet through a central angle of 16 degrees 01 minutes 06 seconds for an arc length of 209.68 feet (chord of 209.00 feet bears North 28 degrees 17 minutes 37 seconds East) to a iron rod and cap, thence North 20 degrees 17 minutes 04 seconds East 1027.50 feet to a iron rod and cap marking a point of curve to the left, thence along said curve with a radius of 1228.00 feet through a central angle of 18 degrees 21 minutes 41 seconds for an arc length of 393.53 feet (chord of 391.85 feet bears North 11 degrees 06 minutes 13 seconds East) to a iron rod and cap, thence North 01 degrees 55 minutes 23 seconds East 381.73 feet to a iron rod and cap, thence leaving said centerline run North 88 degrees 04 minutes 37 seconds West 60.00 feet to the westerly right of way of Tram Road Connector for the POINT OF BEGINNING. From said POINT OF BEGINNING run South 01 degrees 55 minutes 23 seconds West 199.99 feet to a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 00 minutes 30 seconds for an arc length of 47.13 feet (chord of 42.43 feet bears South 46 degrees 55 minutes 38 seconds West) to a point on the northerly right of way of Shumard Oak Boulevard (a 140 foot right of way), thence along said roadway as follows: North 88 degrees 04 minutes 07 seconds West 297.19 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 1153.00 feet through a central angle of 23 degrees 25 minutes 16 seconds for an arc length of 471.32 feet (chord of 468.04 feet bears North 76 degrees 21 minutes 29 seconds West) to a set iron rebar and cap marking a point of reverse curve, thence along said curve with a radius of 806.67 feet through a central angle of 21 degrees 29 minutes 44 seconds for an arc length of 302.64 feet (chord of 300.87 feet bears North 75 degrees 23 minutes 43 seconds West), thence North 45 degrees 02 minutes 49 seconds West 17.81 feet to a point on the easterly right of way boundary of Bald Cypress Way (right of way varies), thence along said easterly right of way boundary run North 01 degrees 59 minutes 19 seconds West 113.27 feet to a point of curve to the right, thence run northeasterly along said curve with a radius of 1357.00 feet through a central angle of 08 degrees 56 minutes 38 seconds for an arc distance of 211.83 feet (chord of 211.62 feet bears North 02 degrees 29 minutes 00 seconds East), thence run North 06 degrees 57 minutes 19 seconds East 105.16 feet, thence run North 83 degrees 02 minutes 41 seconds West 10.00 feet, thence run North 06 degrees 57 minutes 19 seconds East 1536.52 feet to a point on the southerly right of way boundary of Merchants Row Boulevard (right of way varies), thence run South 73 degrees 00 minutes 38 seconds East along said southerly right of way 501.22 feet to a point of curve to the left having a radius of 1560.50 feet; thence run easterly along said curve through a central angle of 13 degrees 47 minutes 34 seconds for an arc length of 375.66 feet (chord of 374.75 feet bears South 79

degrees 54 minutes 25 seconds East) to a set iron rebar, thence South 86 degrees 48 minutes 12 seconds East 126.21 feet to a set iron rebar and cap marking a point of curve to the right, thence along said curve with a radius of 30.00 feet through a central angle of 90 degrees 19 minutes 33 seconds for an arc length of 47.29 feet (chord of 42.55 feet bears South 41 degrees 38 minutes 25 seconds East) to a set iron rebar and cap on the westerly right of way of Tram Road Connector (120.00 foot right of way), thence along said westerly right of way run South 03 degrees 31 minutes 21 seconds West 1676.79 feet to a set iron rebar and cap, thence South 01 degrees 55 minutes 23 seconds West 10.84 feet to the POINT OF BEGINNING. The above-described parcel contains 45.94 acres more or less. The above described properties containing an aggregate of 3,286.94 acres more or less.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History—New 4-21-05, Amended \_\_\_\_\_.

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

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Teresa Tinker, Florida Land and Water Adjudicatory Commission

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Division of Health Quality Assurance**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
59A-30	Expert Medical Advisor Certification Rule
RULE NOS.:	RULE TITLES:
59A-30.002	Definitions
59A-30.003	Qualifications for Expert Medical Advisor Certification
59A-30.004	Application for Certification
59A-30.005	Selection of Expert Medical Advisors
59A-30.006	Temporary Expert Medical Advisors
59A-30.007	Expert Medical Advisor Responsibilities
59A-30.008	Billing and Reimbursement for Expert Medical Advisor Services
59A-30.009	Recertification of Expert Medical Advisors
59A-30.010	Expert Medical Advisor Decertification

PURPOSE AND EFFECT: To promulgate a rule consistent with the Agency's authority to establish the procedural requirements for the Expert Medical Advisor (EMA) program authorized in Section 440.13(9), Florida Statutes.

SUMMARY OF RULE: The proposed rules substantially reword Chapter Rule 59A-30, Florida Administrative Code, to clarify the requirements for being certified and successfully participating as an Agency approved Expert Medical Advisor.

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: 440.13(9) FS.

LAW IMPLEMENTED: 440.13(9) FS.

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

DATE AND TIME: Friday, July 28, 2006, 9:00 a.m. – 11:30 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Welby Cox-Meyers, Registered Nursing Consultant

THE FULL TEXT OF THE PROPOSED RULES IS:

59A-30.002 Definitions.

For purposes of this rule the following definitions apply:

(1) “Board certification” or “board certified” means the physician has been awarded board certification or diplomate status by the American Board of Medical Specialties, American Board of Internal Medicine, American Board of Physician Specialties, American Osteopathic Association, American Board of General Dentistry, American Board of Podiatric Orthopedics and Primary Podiatric Medicine, American Board of Podiatric Surgery, American Chiropractic Rehabilitation Board, American Chiropractic Neurology Board, American Board of Chiropractic Internists, American Chiropractic Board of Nutrition, American Chiropractic Board of Occupational Health, American Board of Chiropractic Orthopedists, American Board of Chiropractic Radiology, or American Chiropractic Board of Sports Physicians. “AHCA” means the Agency for Health Care Administration.

(2) “Board eligible” or “board eligibility” means the physician has been recognized by the applicable national-specialty board as eligible to take the board certification examination. “Application” means form AHCA Form 3160-0021 required by these rules in order to request to

~~become an expert medical advisor. The AHCA Form 3160-0021 application form is incorporated into this rule chapter by reference in subsection 59A-30.003(1), F.A.C.~~

~~(3) “Board certification” means the physician has passed the required examination(s) to become certified by his/her licensing board pursuant to Rules 61F2-11.012 and 61F2-11.013, F.A.C.; Rules 61F8-10.001 and 61F8-10.0015, F.A.C.; or a Board approved by the American Board of Medical Specialties (ABMS) or the American Podiatric Medical Association (APMA); or the American Osteopathic Association (AOA).~~

~~(4) “Board eligible” means the physician has completed all requirements necessary to take a Board certification examination pursuant to subsection (3) above.~~

~~(5) “Carrier” is defined in Section 440.13(1)(e), Florida Statutes.~~

~~(6) “Conflict of interest” means that an expert medical advisor has examined or has prior knowledge of the injured employee to be evaluated or has a financial or ownership interest in the outcome of the case.~~

~~(7) “Decertification” means Agency revocation of certification to be an expert medical advisor to the Agency or to a judge of compensation claims.~~

~~(8) “Disciplinary action” means administrative sanctions imposed upon a physician by either the Agency or the Department of Health.~~

~~(9) “Agency” is defined in Section 440.02(12), Florida Statutes.~~

~~(10) “Expert medical advisor” means a physician who has been certified by the Agency as an expert medical advisor and who has contracted with the Agency to provide peer review or medical consultation to the Agency or to a judge of compensation claims.~~

~~(11) “Physician” is defined in Section 440.13(1)(r), Florida Statutes.~~

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History—New 1-23-95, Formerly 38F-54.002, Amended \_\_\_\_\_.

59A-30.003 Qualifications Procedure for Expert Medical Advisor Certification

~~(+)~~ To be certified as an Expert Medical Advisor, a physician shall meet the following qualifications:

(1) Must have been certified as a health care provider by the Agency pursuant to Chapter 59A-29, F.A.C., for a period of not less than twelve months prior to the date of the Expert Medical Advisor application

~~(a)~~ Meet the eligibility requirements as set out in Rule 59A-30.004, F.A.C.; and

~~(b)~~ Submit a signed, typed and completed application form AHCA Form 3160-0021 to the following address: Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308-5403. Illegible or unsigned

applications shall be returned. The application form AHCA Form 3160-0021 is hereby incorporated by reference into Chapter 59A-30, F.A.C. The version of the form required by this rule shall bear the date January 20, 1995. A copy of the application form AHCA Form 3160-0021 may be obtained from the Agency at the address set forth in this paragraph:

(e) Submit a current curriculum vitae, together with the application form AHCA Form 3160-0021, which shall include:

1. Type of practice (administration, medical teaching, medical research, group practice, consulting, retired, other);
2. Type of specialty including year of certification, recertification/subcertification as appropriate and name of certifying board;
3. Year of birth;
4. Date of medical degree and name of university conferring the degree;
5. Hospital affiliations;
6. Professional memberships;
7. Teaching positions;
8. Military record;
9. Name of articles and journals in which published.

(d) Submit photocopy of current specialty board certificate or submit proof of specialty board eligibility.

(e) Submit a copy of verification of Agency approved workers' compensation course completion.

(2) Must hold valid licensure, issued by the Florida Department of Health, with "clear and active" status; and Within 30 days following verification of eligibility, the Agency shall notify the applicant of his/her status as an expert medical advisor.

(3) Must hold specialty-board certification or specialty-board eligibility applicable to the specialty for which the applicant seeks certification. If the applicable national-specialty board does not recognize "board eligible" or "board eligibility" status, the applicant must hold board certification for the specialty; and

(4) Must demonstrate experience in the assignment of permanent impairment ratings greater than zero (0%) to Florida's injured employees, pursuant to Rule 69L-7.604, F.A.C., within the two-year period immediately preceding the date of application; and

(5) Must demonstrate experience in performing independent medical examinations pursuant to Sections 440.13(2) or 440.13(5), Florida Statutes, within the two-year period immediately preceding the date of application; and

(6) Must have completed twenty hours of continuing medical education, specifically related to the practitioner's field of specialty, within the two-year period immediately preceding the date of application. Completion of courses required for licensure by the Florida Department of Health addressing Domestic Violence, HIV-AIDS and Prevention of

Medical Errors will not be applied to the medical continuing education requirements for Expert Medical Advisor certification; and

(7) Must possess knowledge of the Florida Statutes related to workers' compensation, specifically Sections 440.02, 440.09, 440.093, 440.102, 440.105, 440.13, 440.134, 440.15(3), 440.15(5), 440.151, 440.20 and 440.491, F.S.; and possess knowledge of the Florida Administrative Code Rules 69L-7.602 and 69L-7.020, F.A.C., related to workers' compensation.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History—New 1-23-95, Amended 6-8-95, Formerly 38F-54.003, Amended \_\_\_\_\_.

59A-30.004 Application Selection—Criteria for Certification Expert Medical Advisors.

(1) A physician shall apply for Expert Medical Advisor certification by submitting a signed, legible and accurately completed Expert Medical Advisor Certification Application, AHCA Form 3160-0021, to the following address: AHCA Workers' Compensation Medical Services Unit, c/o Department of Financial Services, Division of Workers' Compensation, 200 E. Gaines Street, Tallahassee, FL, 32399-4232. The Expert Medical Advisor Certification Application, AHCA Form 3160-0021, revised May 2006, is incorporated by reference into Chapter 59A-30, F.A.C., and may be obtained from the AHCA Workers' Compensation Medical Services Unit; c/o Department of Financial Services, Division of Workers' Compensation's website: [www.fldfs.com/wc/forms.html#7](http://www.fldfs.com/wc/forms.html#7). The minimum criteria for a physician to be certified as an expert medical advisor is as follows:

(a) Be certified as a health care provider by the Agency pursuant to Chapter 59A-29, F.A.C.; and

(b) Possess board certification or board eligibility in specialty or area of practice. The physician shall be in good standing with a certifying board listed in this rule. The list of ABMS, AOA and APMA boards referred to in this rule is hereby incorporated by reference. The version of the list required by this rule shall bear the date October 15, 1994. A copy of the list may be obtained from the Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 26, Tallahassee, Florida 32308-5403; and

(c) Treated no fewer than 24 work-related injuries per calendar year in the one year period before the date of the application. The treatment provided shall have been approved by the carrier; and

(d) Attended at least one Agency sponsored or Agency approved workshop during the two year period before the date of application including training on impairment rating using the Florida Impairment Rating Guide; and



~~(e) Performed no fewer than 12 independent medical examinations in workers' compensation cases in the two years before the date of application; and~~

~~(f) Performed medical record reviews in workers' compensation cases in the two years before the date of application; and~~

~~(g) Assigned no fewer than twelve permanent impairment ratings with a rating greater than 0% to an injured employee pursuant to Rule 4L-7.604, F.A.C.; and~~

~~(h) Satisfies one of the following:~~

~~1. Been in practice a minimum of 20 hours per week in the five years before the date of application and has practiced in his/her specialty in the three years before the date of application; or~~

~~2. Is on the faculty of an institution of higher learning in his/her discipline; or~~

~~3. Participated on an Agency advisory committee, task force committee, or peer review committee or has performed consultant services for the Agency within the three years before the date of application.~~

~~(2) As part of the Expert Medical Advisor certification application, the physician shall agree to provide consultation or services in accordance with the timetables set forth in Chapter 440, Florida Statutes and abide by rules adopted by the Agency, including, but not limited to, rules pertaining to procedures for review of the services rendered by health care providers and preparation of reports and testimony or recommendations for submission to the Agency or judge of compensation claims. A physician who has been suspended or decertified by the Agency pursuant to Chapter 59A-29, F.A.C., is not eligible to be selected as an expert medical advisor during the period of suspension or decertification.~~

~~(3) The application shall be accompanied by the following documentation to establish that the qualifications for Expert Medical Advisor certification set forth in Rule 59A-30.003, F.A.C., have been met:~~

~~(a) To document specialty-board certification or specialty-board eligibility, the applicant must submit a copy of a current certificate of national specialty-board certification or written proof of specialty-board eligibility and documentation that indicates any expiration date for specialty-board certification or specialty-board eligibility applicable to the specialty for which the applicant seeks certification.~~

~~(b) To demonstrate experience in the assignment of permanent impairment ratings to Florida's injured employees, pursuant to Rule 69L-7.604, F.A.C., the applicant must submit five completed DFS-F5-DWC-25 forms (with all patient identification redacted) indicating assignment of the date of maximum medical improvement and calculation of the permanent impairment rating greater than zero (0%) for injured employee evaluations completed within the two-year period immediately preceding the date of application; and~~

(c) To demonstrate experience in performing independent medical examinations pursuant to Sections 440.13(2) or 440.13(5), Florida Statutes, the applicant must submit copies of five independent medical examination reports (with all patient identification redacted) written for workers' compensation injured employees within the two-year period immediately preceding the date of application; and

(d) To demonstrate completion of twenty hours of continuing medical education, specifically related to the practitioner's field of specialty, the applicant must submit copies of certificates of completion for twenty hours of continuing medical education, related to the specialty field of practice, completed within the two-year period immediately preceding the date of application. Certificates for courses required for licensure by the Florida Department of Health addressing Domestic Violence, HIV-AIDS and Prevention of Medical Errors will not be applied to the medical education requirements for Expert Medical Advisor certification; and Attended at least one Agency sponsored or Agency approved workshop during the two year period before the date of application including training on impairment rating using the Florida Impairment Rating Guide.

(4) To demonstrate knowledge of Florida Workers' Compensation, the physician must attest to knowledge of the Florida Statutes related to workers' compensation, specifically Sections 440.02, 440.09, 440.093, 440.102, 440.105, 440.13, 440.134, 440.15(3), 440.15(5), 440.151, 440.20 and 440.491; and knowledge of the Florida Administrative Code Rules 69L-7.602 and 69L-7.020. If an Expert Medical Advisor applicant is not otherwise familiar with the statutes and rules identified above, he/she may attest to familiarity with those rules and statutes upon completion of the Workers' Compensation Health Care Provider Educational Tutorial available on the Department of Financial Services, Division of Workers' Compensation's website: [www.fldfs.com/wc](http://www.fldfs.com/wc).

(5) The Agency will review the Expert Medical Advisor certification application, pursuant to the requirements of Section 120.60, Florida Statutes, and notify the applicant of any deficiencies in the application submitted. If the Agency does not receive, within 30-calendar days of the applicant's receipt of notice of deficiencies, information curing all deficiencies identified by the Agency, the Expert Medical Advisor Certification Application will be denied.

(6) Throughout the certification period, the Expert Medical Advisor shall notify the Agency:

(a) If specialty-board certification has expired.

(b) If Florida Department of Health license status is changed from "clear and active".

(c) Of any change in address or contact information.



(7) Expert Medical Advisor certification shall be for a period of two years. If at any time during the certification period, the physician no longer meets all qualifications for Expert Medical Advisor certification, the Expert Medical Advisor certification shall be revoked.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.004, Amended \_\_\_\_\_.

59A-30.005 Selection Assignment of Expert Medical Advisors.

(1) All individuals contracted to provide services through certification as an Expert Medical Advisor will be placed on an Agency list of certified Expert Medical Advisors eligible for selection as an Expert Medical Advisor by the Agency or a judge of compensation claims. The expert medical advisor shall be utilized by the Agency and the judges of compensation claims pursuant to Sections 440.13(9)(b)(e), Florida Statutes.

(2) When Expert Medical Advisor services are needed requested by a judge of compensation claims or the Agency, the Agency shall:

(a) Select an Expert Medical Advisor from the Agency's list of certified Expert Medical Advisors; and within 10 days, assign an expert medical advisor through a rotation system based on the specific physician expertise requested.

(b) Make the necessary arrangements for the Expert Medical Advisor to provide the Expert Medical Advisor services

(3) When Expert Medical Advisor services are needed in a proceeding before a judge of compensation claims, the judge of compensation claims shall: The Agency shall contact the expert medical advisor; define the assignment; notify the carrier prior to the service being rendered; and notify the requesting party of the name of the Expert Medical Advisor selected.

(a) Select an Expert Medical Advisor from the Agency's list of certified Expert Medical Advisors; and

(b) Make the necessary arrangements for the Expert Medical Advisor to provide the Expert Medical Advisor services.

(4) Upon receiving notice of selection by the Agency or judge of compensation claims as an Expert Medical Advisor the physician shall disclose any conflict of interest related to the case for which the physician was selected and shall decline selection as an Expert Medical Advisor.

(5) A physician who has been decertified pursuant to Chapter 59A-29, F.A.C., and/or has ever been decertified pursuant to Rule 59A-30.010, F.A.C., shall not be certified as an Expert Medical Advisor.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.005, Amended \_\_\_\_\_.

59A-30.006 Temporary Expert Medical Advisors.

(1) When the Agency or a judge of compensation claims needs requests the services or opinion of an Expert Medical Advisor services and the particular area of expertise requested there is no not represented among the available Expert Medical Advisors, on the Agency's list of certified Expert Medical Advisors who meets the needs of the judge of compensation claims and is available to provide the Expert Medical Advisor services needed, the judge of compensation claims may propose a specific physician for temporary Expert Medical Advisor certification by the Agency shall select a qualified individual upon the recommendation of a state or national medical professional organization.

(2) The selectee shall send to the Agency will certify the specific physician proposed by the judge of compensation claims as a temporary Expert Medical Advisor if one of the following is met: a copy of his/her license and board certification or verify his/her board eligibility before being assigned the status of temporary expert medical advisor.

(a) All parties in a proceeding before the judge of compensation claims stipulate to the qualifications of the medical-specialty-board certified physician to provide Expert Medical Advisor services in the judge of compensation claims proceeding; or

(b) The physician has a valid and active license to practice medicine, has medical specialty-board certification and the judge of compensation claims has established that the physician has training or experience applicable to the specific medical issue before the judge of compensation claims.

(3) Certification as a temporary Expert Medical Advisor shall be limited to the specific case for which the judge of compensation claims proposed the physician for temporary Expert Medical Advisor certification Approval to serve services are requested.

(4) A physician who has been suspended or decertified pursuant to Chapter 59A-29, F.A.C., and/or has ever been decertified pursuant to Rule 59A-30.010, F.A.C., shall not be certified approved as a temporary Expert Medical Advisor.

(5) Upon receiving notice of selection by the judge of compensation claims as a temporary Expert Medical Advisor, the physician shall disclose any conflict of interest related to the case for which the physician was selected and shall decline selection as a temporary Expert Medical Advisor.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.006, Amended \_\_\_\_\_.

59A-30.007 Expert Medical Advisor Responsibilities.

(1) An physician expert medical advisor shall disclose any conflict of interest upon receiving notice of selection as an Expert Medical Advisor and shall not accept selection if a conflict of interest exists an assignment when he or she has the specific the case in question. For the purposes of this rule,

“conflict of interest” means that an Expert Medical Advisor has matters of business or private interest or potential gain that may influence decisions or opinions related to the medical care provided, the physician examined or has prior knowledge of the injured employee, that are in existence while fulfilling responsibilities to be evaluated or has a financial or ownership interest in the outcome of the case.

(2) When the judge of compensation claims selects an Expert Medical Advisor, the Expert Medical Advisor shall complete and submit a written report to the judge of compensation claims within 15-calendar days following Within 45 days after the receipt of all medical records and examination of the injured employee the expert medical advisor shall complete an evaluation of the injured employee and issue a report of the results of his/her evaluation to the Agency and/or, if requested, to a judge of compensation claims. The medical records, which may be submitted to an Expert Medical Advisor shall be within the discretion of the judge of compensation claims.

(3) When the Agency selects an Expert Medical Advisor, the Expert Medical Advisor shall complete and submit a written report to the Agency within 15-calendar days following receipt of all medical records. Reimbursement for expert medical advisor services shall not exceed \$200 per hour or a maximum reimbursement of \$1600 per case, not including reasonable expenses associated with travel, when applicable.

(4) The Expert Medical Advisor shall furnish a copy of the written report to the insurer carrier and to the injured employee pursuant to Section 440.13(9)(d), Florida Statutes.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Formerly 38F-54.007, Amended\_\_\_\_\_.

59A-30.008 Billing and Reimbursement for Expert Medical Advisor Services Carrier Responsibilities.

(1) Within 30-calendar days following completion of the written report, the physician must submit billing for Expert Medical Advisor services on the Agency approved or judge of compensation claims approved invoice, as applicable, documenting total number of hours and total dollar charges.

(2) In a judge of compensation claims proceeding, if additional diagnostic testing is required for the Expert Medical Advisor to render a medical opinion, charges for diagnostic testing shall:

- (a) Require prior authorization from the judge of compensation claims; and
- (b) Be billed in accordance with Rule 69L-7.602, F.A.C.; and
- (c) Be reimbursed in accordance with the appropriate Florida Workers’ Compensation reimbursement manual in effect on the date services were completed.

(3) Within 45-calendar days from receipt of both the Expert Medical Advisor’s copy of the written report and invoice, reimbursement shall be rendered to the Expert Medical Advisor. The carrier shall reimburse an expert medical advisor within 45 days of receipt of the expert medical advisor’s evaluation pursuant to Section 440.13(9)(f), Florida Statutes.

(4) Hourly reimbursement for Expert Medical Advisor services shall include reimbursement for all services rendered except specialty-diagnostic testing.

(5) Reimbursement for Expert Medical Advisor services, pursuant to an Expert Medical Advisor Contract, shall be as follows:

(a) For an Expert Medical Advisor selected by the Agency pursuant to subsection 59A-30.005(2), F.A.C., reimbursement shall not exceed \$200.00 per hour for no more than eight hours per case, not including reasonable expenses associated with travel, when applicable, which will be reimbursed in accordance with Section 112.081, Florida Statutes.

(b) For an Expert Medical Advisor selected by a Judge of Compensation Claims pursuant to subsection 59A-30.005(3), F.A.C., reimbursement shall not exceed \$300.00 per hour for no more than eight hours per case, not including reasonable expenses associated with travel, when applicable, which will be reimbursed in accordance with Section 112.081, Florida Statutes.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Formerly 38F-54.008, Amended\_\_\_\_\_.

59A-30.009 Recertification of Expert Medical Advisors.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History–New 1-23-95, Formerly 38F-54.009, Repealed\_\_\_\_\_.

59A-30.010 Expert Medical Advisor Decertification.

(1) An Expert Medical Advisor shall be decertified for any one of the following:

- (a) The physician is removed from the Agency’s list of physicians authorized to provide services to workers’ compensation injured employees.
- (b) The physician fails to report a conflict of interest and decline selection in a case assignment as required in Rule 59A-30.004, F.A.C. Decertification pursuant to Section 440.13(13), Florida Statutes, and Chapter 59A-29, F.A.C.; or
- (2) If an Expert Medical Advisor is decertified by the Agency, the physician shall not be eligible for certification as an Expert Medical Advisor in the future. Failure to report prior involvement or conflict of interest in a case assignment; or
- (3) Failure to meet the terms of the expert medical advisor contract with the Agency.

Specific Authority 440.13(9), 440.591 FS. Law Implemented 440.13(9) FS. History--New 1-23-95, Formerly 38F-54.010, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Welby Cox-Myers

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Warring, Bureau Chief, Managed Health Care

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:	RULE TITLE:
59G-4.002	Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference errata January 2006 to the Florida Medicaid Provider Reimbursement Schedule. The errata contain corrections to the Hearing Services Fee Schedule, Podiatry Services Fee Schedule, and Birth Center Services Fee Schedule. The effect will be to incorporate into rule errata January 2006 to the Florida Medicaid Provider Reimbursement Schedule.

SUMMARY: The purpose of this rule amendment is to incorporate by reference errata January 2006 to the Florida Medicaid Provider Reimbursement Schedule. The errata contain corrections to the Hearing Services Fee Schedule, Podiatry Services Fee Schedule, and Birth Center Services Fee Schedule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

DATE AND TIME: Monday, July 31, 2006, 2:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida  
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jason Ottinger, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7314

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2006, errata January 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History--New 8-18-05, Amended 11-30-05, 4-16-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 21, 2006

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

RULE NOS.:	RULE TITLES:
61C-5.008	Definitions
61C-5.0085	Continuing Education Requirements

PURPOSE AND EFFECT: The purpose of this rule development is to implement the statutory requirements of Chapter 399, Florida Statutes. This rule provides definitions of terms used in the chapter and provides the specifications for continuing education requirements for elevator safety personnel, the submittal, review, and approval of elevator training programs; instructor qualifications; and, the exemption for certain military personnel.

SUMMARY: This rule provides the specifications for the submittal, review, and approval of elevator safety personnel continuing education programs; the required components of continuing education programs; and, the mandatory timelines for submittal of continuing education programs. Copies of the rule may be obtained from John Calpini at the Department of Business and Professional Regulation, Division of Hotels and Restaurants Tallahassee office at (850)488-9098.

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

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

SPECIFIC AUTHORITY: 399.001, 399.01(17), 399.049 FS.

LAW IMPLEMENTED: 399.01(17) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Michelle Comingore, Operations Review Specialist Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-1133. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Calpini, Chief, Bureau of Elevator Safety, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1012; Telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.008 Definitions.

When used in this rule, the following terms shall have these meanings:

(1) "Bureau" means the Bureau of Elevator Safety.

(2) "Course" means a course, seminar or other program of instruction approved by the bureau for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes.

(3) "Course hour" means fifty minutes of instruction, exclusive of breaks, recesses, or time not spent in instruction.

(4) "Course provider" means the person or entity approved by and registered with the bureau pursuant to this rule and who is responsible for conducting a course approved pursuant to this rule.

(5) "Course instructor" means the person appointed by the course provider to actually conduct an approved course.

(6) "Current satisfactory inspection" means an inspection completed on or after August 1 of the previous year that is the most recent annual inspection conducted prior to submission of the current application for renewal and contains no violations.

(7) "Direct supervision" means a certificate of competency holder supervising an elevator helper as set forth in Section 399.01(16), Florida Statutes, is within physical proximity of the person being directly supervised such that timely

observation and evaluation of the work being performed is facilitated to ensure the work is completed in accordance with applicable statutory and administrative code requirements.

(8) "Session" means each distinct occasion a course is conducted.

(9) "Syllabus" means a detailed outline of the course content to a level of detail that sufficiently demonstrates the relevance required by subsection 61C-5.008(3), F.A.C.

Specific Authority 399.01(17), 399.02(6) FS. Law Implemented 399.01(17) FS. History--New \_\_\_\_\_.

61C-5.0085 Continuing Education Requirements.

(1) Continuing Education Requirements.

(a) To renew a Certificate of Competency, a Certified Elevator Technician, or a Certified Elevator Inspector credential issued by the bureau pursuant to Chapter 399, Florida Statutes, that requires continuing education, a person must submit, in addition to the required application and fee, proof of completion within the current annual licensure period of 8 hours of approved continuing education.

(b) A person holding more than one individual credential issued by the bureau that requires continuing education need only complete 8 hours of continuing education during each annual period, but must submit proof of completion of the continuing education with each application submitted to the bureau for renewal of the credentials.

(c) A person initially certified or registered by the bureau 180 days or more prior to the renewal deadline must complete 4 hours of approved continuing education as a condition of renewal.

(d) A person initially certified or registered by the bureau for less than 180 days prior to the renewal deadline need not complete any approved continuing education as a condition of renewal.

(2) Course Provider Approval.

(a) Each course provider must register with and obtain approval from the bureau to appoint instructors and conduct courses that satisfy continuing education requirements of Chapter 399, Florida Statutes, by submitting a completed application. Approval shall be granted upon verification that the provider possesses the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by the bureau and in good standing;

2. Certification in good standing, pursuant to American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;

3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry may, upon verification, be approved as a course provider.

(c) Each course provider approval and registration expires three years from the date of issue, and must be renewed prior to conducting any further courses intended to satisfy continuing education requirements of Chapter 399, Florida Statutes.

(d) Each course provider seeking bureau approval must submit at least one continuing education course syllabus to the bureau for approval.

(e) A course provider must provide the bureau written notice of any material changes to information contained in its most recent application for, or renewal of, approval and registration no later than 30 days after such a change.

(f) The bureau shall maintain a list of all course providers it has approved.

(g) The bureau shall deny approval of, suspend, or revoke the registration of any course provider if based on any of the following:

1. Obtaining or attempting to obtain registration or course approval through fraud, deceit, false statements, or misrepresentation of material facts, whether such statements or misrepresentations are made knowingly or negligently.

2. Failure to provide complete and accurate information in the initial application for registration or in any notification of change in information.

3. Failure to notify the bureau of a change in the information required in subsection (4) for registration of course providers.

4. Falsification of any records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

5. Failure to maintain any required records regarding the continuing education courses conducted by the course provider or the persons who attended the courses.

6. Failure to properly record attendance at any session of an approved course.

7. Failure to provide the bureau with copies of any document or other information required to be maintained by the course provider pursuant to this rule.

8. Advertising that a course is approved prior to the date approval is granted, or otherwise including false or misrepresentative information in advertising.

9. Participating in any activity designed or intended to circumvent or evade the requirements of Chapter 399, Florida Statutes, or the rules adopted by the bureau to implement that section.

10. Failure to include the bureau course identification number in any advertisement, brochure, course completion certificate, or other marketing or instructional material.

(h) If a course provider's registration is suspended or revoked, the course provider must cancel all sessions scheduled after the suspension or revocation takes effect and refund any fees associated with those sessions until such time as the course provider is restored to good standing.

(i) The bureau may deny approval or renewal of, suspend, or revoke the registration of any course provider when any license prerequisite to approval and registration of the course provider becomes suspended or revoked by the bureau.

(j) A provider whose approval and registration is delinquent, expired, suspended or revoked may not conduct courses. Any courses conducted while a provider is delinquent, expired, suspended or revoked, will not satisfy the continuing education requirements of Chapter 399, Florida Statutes.

#### (3) Continuing Education Course Approval.

(a) To satisfy continuing education requirements of Chapter 399, Florida Statutes, and this rule, each approved course provider must submit at least one continuing education course syllabus to the bureau for approval. To be approved as a course of continuing education for purposes of Chapter 399, Florida Statutes and this rule, the course must provide technical or safety relevance to elevator construction, alteration, modification, repair or maintenance.

(b) The following subjects are relevant and provided as a guide. Courses submitted for approval need not encompass all these nor be limited to only these: elevator general theory and principles; plan and specification reading and interpretation; electrical codes; wiring and protection; wiring methods and materials; special occupancies and situations; life safety and Americans with Disabilities Act; current adopted elevator safety codes; inspectors manuals and structural considerations; wheelchair or accessibility lifts; OSHA Safety standards; periodic safety tests; or use of specialized tools and equipment.

(c) Continuing education courses will only be considered for approval when the appropriate application is submitted by an approved course provider to the bureau. The application must include: total number of hours of the course; a syllabus that demonstrates topical relevance of the course and includes an accounting of time spent on each topic or subsection in increments of not less than a quarter hour; the name and qualifications of all instructors known at the time of the application. The bureau shall assign each approved course a unique identification number.

(d) Any course denied approval may be modified and resubmitted for approval.

(e) The bureau may not deny or withdraw approval for a course on the sole basis that another course provider conducts the same or similar course approved by the bureau.

#### (4) Course Instructor Qualifications.

(a) Course instructors must be affiliated with an approved course provider and possess education and experience that qualifies the instructor to teach the course or parts of the course to which he or she is assigned. This education and experience

must be verified by the course provider, and consist of the following: five years experience in the construction, alteration, modification, maintenance or repair of elevators, and one of the following:

1. Possession of a Certificate of Competency issued by and in good standing with the bureau;
2. Current certification under the American Society of Mechanical Engineers standards as a Qualified Elevator Inspector;
3. Proof of registration, licensure or certification in the elevator trade by a United States authority having jurisdiction, to standards substantially equal to or more stringent than those of Chapter 399, Florida Statutes.

(b) A licensed, certified or registered contractor or engineer having five years experience in the elevator industry verified by the course provider, and whose license, certification, or registration is in good standing, also verified by the course provider, may teach a course within the scope of his or her license.

(5) Records Required of Course Providers.

(a) The course provider must maintain records for each session of courses it conducts for the purpose of satisfying continuing education requirements established in Chapter 399, Florida Statutes, and provide any of these required records upon request by the bureau. Such records must be maintained for three years, and contain the following:

1. The time, dates and address of each course session.
2. The name, address and qualifications of any instructor teaching any portion of a course session.
3. The syllabus of each course, which must be provided to each attendee.
4. The name, address and bureau certification or registration number and type of each person that completed a course session, regardless of whether a fee is charged.

5. The original sign-in sheet used on-site to record attendance for each course session, which must include: the time, date and address of the course session, the attendee's printed name, signature, and bureau certification or registration number and type, and number of course hours the attendee completed. The sign-in sheet must prominently bear the following statement above the attendees information: "By affixing my name and/or signature and/or mark to this document, I attest and certify that I am correctly and accurately identified herein as the person attending this continuing education course session." The sign-in sheet must also bear the following statement: "I attest the information recorded herein is true and accurate" above the signature of the instructor and the printed names of the course provider and instructor.

(b) Upon completion of a course, each attendee shall receive from the course provider a certificate measuring 8 1/2 inches by 11 inches, displaying the following: the time, date

and address of the course session; name of the course; number of course hours attended; the name of the course provider and instructor, and bureau course identification number.

(6) Advertising Continuing Education Courses.

(a) A course provider may not advertise a course as approved by the bureau until such approval is granted.

(b) A course provider may not misrepresent or include false or misleading information regarding the contents, instructors or number of hours of any course approved under this rule.

(c) The course provider must include the bureau course identification number in any advertising used in connection with the course, and any other materials used in connection with the course including but not limited to the syllabus or other instructional materials.

(7) Continuing Education Exemption for Certain Military Personnel.

A licensee who is a member of the Armed Forces of the United States or is called to active duty with the Armed Forces of the United States and is caused to be absent from the State of Florida because of duties with the armed forces lasting 180 days or longer shall be exempt from all continuing education requirements under these rules during such absence. The licensee must show proof to the bureau of the absence and the licensee's military status.

Specific Authority 399.001, 399.01(17), 399.02(6), 399.049 FS. Law Implemented 399.01(17) FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
John Calpini, Chief, Bureau of Elevator Safety, Division of Hotels and Restaurants, Department of Business and Professional Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 23 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 24, 2005, Vol. 31, No. 25

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

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

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

SUMMARY: The Board proposed to increase the bond amount from 50,000 to 500,000, consistent with increase in payment cap and make the bond amount payable to Florida Homeowners' Construction Fund instead of Construction Industries 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 regulatory cost alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 489.108 FS.

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

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Board Construction Industry Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-15.0021 Certification and Registration of Business Organizations.

(1) through (2) No change.

(3)(a) No change.

(b) If the business organization has a financially responsible officer, the financially responsible officer, rather than the qualifying contractor, shall complete the Financial Responsibility Acknowledgment Statement contained in the DBPR/CILB/021, Financially Responsible Officer Application, supplied by the Department. In addition, the financially responsible officer shall comply with the requirements of Rules 61G4-15.005 and 61G4-15.006, F.A.C., except that the financially responsible officer shall also demonstrate a personal or business organization net worth of at least \$10,000 regardless of the category of contractor's license held by any other qualifier for the business organization, \$10,000 cash and a bond in form acceptable to the Board's Executive Director made payable to the Florida Homeowners' Construction Construction Industries Recovery Fund as reimbursement in the amount of \$500,000 ~~50,000~~. For purposes of Section 489.105(14), F.S., a "person" means a human being who is at least eighteen (18) years of age.

(c) through (7) No change.

Specific Authority 489.108 FS. Law Implemented 455.213, 489.105, 489.107, 489.115, 489.119, 489.1195, 489.143, 455.213 FS. History—New 12-6-83, Formerly 21E-15.021, Amended 3-29-88, 8-8-88, 9-24-92, 12-28-92, Formerly 21E-15.0021, Amended 7-18-94, 7-5-95, 11-12-95, 2-6-96, 7-1-96, 9-3-96, 11-27-96, 11-13-97, 9-15-98, 7-7-05, 1-23-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board Construction Industry Licensing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 16, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Construction Industry Licensing Board**

RULE NO.:	RULE TITLE:
61G4-18.001	Continuing Education Requirements for Certificateholders and Registrants

PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education requirements for certificate holders and registrants.

SUMMARY: The proposed amendment discusses the continuing education credits for instructors, teachers, lecturers, panelists, and discussion leaders.

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: 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS.

LAW IMPLEMENTED: 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: G. W. Harrell, Executive Director, Board Construction Industry Licensing, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-18.001 Continuing Education Requirements for Certificateholders and Registrants.

(1) through (6) No change.

(7) Continuing education credit shall be granted to instructors, teachers, lectures, panelists and discussion leaders of a specific continuing education course, on a hour for hour basis, for the first presentation each renewal cycle.

(8) Continuing Education credit for a specific course will be awarded only once for each renewal cycle.

- ~~(9)(7)~~ No change.
- ~~(10)(8)~~ No change.
- ~~(11)(9)~~ No change.
- ~~(12)(10)~~ No change.

Specific Authority 455.213(6), 455.2177, 455.2178, 455.2179, 489.108, 489.115 FS. Law Implemented 455.2123, 455.213(6), 455.2177, 455.2178, 455.2179, 455.271(6), 489.115, 489.116 FS. History—New 12-2-93, Amended 5-19-94, 8-16-94, 10-12-94, 1-18-95, 2-4-98, 5-11-99, 7-12-99, 1-23-00, 2-1-00, 12-27-00, 3-25-01, 7-26-04, 9-1-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board Construction Industry Licensing  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board Construction Industry Licensing  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 27, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-20.0053  
 RULE TITLE: Standards for Assembled Financial Statements

PURPOSE AND EFFECT: The Board proposes to amend the rule to address the requirements for a Public Accounting Firm when it offers to perform services involving assembled financial statements.

SUMMARY: Public Accounting Firms may utilize the name and license number of the firm in a transmitted letter offering to perform services involving assembled financial statements.

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: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.302, 473.322 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-20.0053 Standards for Assembled Financial Statements.

A Certified Public Accountant holding an active license may offer to perform or perform services involving assembled financial statements so long as the Certified Public Accountant complies with the standards for assembled financial statements, which are as follows:

(1) through (7) No change.

(8) The transmittal letter shall include the name and license number of the Certified Public Accountant who offers to perform or performs services involving assembled financial statements. If more than one Certified Public Accountant offers to perform or performs such services, then the name and license number of the Certified Public Accountant who assumes responsibility for the statements shall be included. If a Licensed Audit Firm or Public Accounting Firm offers to perform or performs such services, the name and license number of the firm may be utilized instead of the name and license number of an individual Certified Public Accountant.

(9) through (12) No change.

Specific Authority 473.304, 473.315 FS. Law Implemented 473.302, 473.322 FS. History—New 10-28-98, Amended 9-20-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-26.004  
 RULE TITLE: Licensure of Changes by Firms

PURPOSE AND EFFECT: The Board proposes to amend the rule to delete the requirement that every two years firms file with the Division of Certified Public Accounting, a list of co-partners, shareholders or members who are non-CPAs.

SUMMARY: The requirements that firms file a list every two years of co-partners, shareholders or members who are non-CPAs with the Division of Certified Public Accounting will be deleted from the rule.

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

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



SPECIFIC AUTHORITY: 473.304, 473.3101 FS.  
 LAW IMPLEMENTED: 473.3101 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.  
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61H1-26.004 Licensure of Changes by Firms.
  - (1) No change.
  - ~~(2) A firm licensed pursuant to Rule 61H1-26.003, F.A.C., shall file with the Division of Certified Public Accounting by March 1 every two years a list of all co-partners, shareholders or members in the U.S. as of December 31, indicating those that are non-CPAs.~~
  - ~~(2)(3) No change.~~

Specific Authority 473.304, 473.3101 FS. Law Implemented 473.3101 FS. History—New 12-4-79, Amended 2-3-81, Formerly 21A-26.04, Amended 6-4-86, Formerly 21A-26.004, Amended 11-3-97, 7-16-98, 8-17-98, 1-31-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-29.002                      RULE TITLE: Temporary License  
 PURPOSE AND EFFECT: The Board proposes to amend the rule to delete the requirements regarding out-of-state certified public accountants of firms that have received a temporary permit and the submission of financial statements for review by the Board.

SUMMARY: The requirements that out-of-state certified public accountants of firms that have received a temporary permit and the submission of financial statements for review by the Board will be deleted from the rule.

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

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

SPECIFIC AUTHORITY: 473.304, 473.305, 473.314 FS.  
 LAW IMPLEMENTED: 473.314, 473.315 FS.  
 IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61H1-29.002 Temporary License.
  - (1) through (8) No change.
  - ~~(9)(a) Any out of state certified public accountant or firm who receives a temporary permit during any calendar year is hereby required to submit one audited, one reviewed, and one compiled financial statement at the time the first permit application is made during each calendar year for review by the Board of compliance with the requirements of Section 473.315, F.S., and the rules promulgated thereto.~~

~~(b) An out of state CPA or firm who seeks to perform a peer review or a quality review on a Florida CPA or firm shall not be required to provide the information set forth in paragraph 61H1-29.002(9)(a), F.A.C., as long as the CPA or firm seeking to perform the review has received an unqualified peer review report from the AICPA approved by the Board within three years of the date of completion of the peer review for which the temporary permit is being sought and provides evidence thereof to the Board. Association of certified public accounting firms who wish to be exempted under the provisions of Section 473.302(4), F.S. must submit their plans of administration or evidence of authorization from the AICPA to conduct quality reviews to the Board for approval on an annual basis.~~

Specific Authority 473.304, 473.305, 473.314 FS. Law Implemented 473.314, 473.315 FS. History—New 12-4-79, Amended 2-3-81, 10-19-83, Formerly 21A-29.02, Amended 5-3-88, 12-3-89, 6-13-90, 3-29-92, 12-2-92, Formerly 21A-29.002, Amended 6-28-94, 1-11-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Accountancy  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 20, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-29.0025  
 RULE TITLE: Temporary License – Electronic Practice

PURPOSE AND EFFECT: The Board proposes to amend the rule to change the fee to obtain a temporary license for practice using electronic means.

SUMMARY: The fee to obtain a temporary license for practice using electronic means will be increased to \$400.00.

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: 473.304, 473.314 FS.

LAW IMPLEMENTED: 473.314 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-29.0025 Temporary License – Electronic Practice.

(1) through (2) No change.

(3) At the time of submission of the application, the out-of-state certified public accountant or firm shall pay to the Department the \$400.00 ~~200.00~~ license fee. The fee will not be refunded in the event the application is withdrawn or denied.

(4) through (5) No change.

Specific Authority 473.304, 473.314 FS. Law Implemented 473.314 FS. History—New 2-12-98, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-31.001  
 RULE TITLE: Fees

PURPOSE AND EFFECT: The Board proposes to amend the rule to increase various fees and to add fees for verification of licensure to other status, initial licensure, and approval of continuing education provider status and courses.

SUMMARY: New language will be added to the rule to increase various fees and to establish a fee for verification of licensure to other status, an initial licensure fee, and a fee for approval of continuing education provider status and 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 cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS.

LAW IMPLEMENTED: 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: John Johnson, Executive Director, Board of Accountancy/MQA, 240 N.W. 76th Dr., Suite A, Gainesville, Florida 32607

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) through (2) No change.

(3) For individual active and inactive status licenses, biennial renewal fee provided in Section 473.305, F.S., one hundred and five dollars (\$105.00) ~~ninety-five dollars (\$95.00)~~.

(4) For change of status other than during the renewal period, fifty dollars (\$50.00); for reactivation of an inactive status license to active status; two hundred and fifty dollars (\$250.00); ~~fifty dollars (\$50.00)~~ for reactivation of a delinquent status license to active, two hundred and fifty dollars (\$250.00); ~~or~~ changing a delinquent status license to inactive status, fifty dollars (\$50.00). In all cases completion of the requirements of Rule 61H1-33.006, F.A.C., and passage of the examination on Chapters 455 and 473, F.S., and related rules shall be required for reactivation.

(5) The biennial renewal fee provided in Section 473.305, F.S., for partnerships, corporations, and limited liability companies licensed in Section 473.3101, F.S., one hundred

fifty dollars (\$150.00). The biennial renewal fee provided in Section 473.305, F.S., for sole proprietor firms and other legal entities owned by a sole proprietor licensed in Section 473.3101, F.S., fifty dollars (\$50.00) ~~twenty-five (\$25.00)~~.

(6) No change.

(7) For application for license by endorsement provided in Section 473.308, F.S., two one hundred fifty dollars (\$250.00) ~~(\$150.00)~~ per person. If such application is withdrawn or denied, no portion of the fee will be refunded by the Department.

(8) through (10) No change.

(11) Duplicate licensee fee – If a licensee requests a duplicate license or wall certificate, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$50.00 ~~\$25.00~~.

(12) For verification of licensure to other states: fifty dollars (\$50.00).

(13) For initial licensure, fifty dollars (\$50.00). However, in no event shall an initial license be issued if the initial licensure fees and all required documents are not received within 12 months of the date of certification by the board; in such case, the certification expires and the applicant may reapply for licensure by endorsement, pursuant to Section 473.308(3)(a), F.S.

(14) For approval of continuing education provider status, one hundred dollars (\$100.00), valid for two years. For approval of continuing education courses, twenty-five dollars (\$25.00), per credit hour.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 473.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05, 4-9-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Accountancy

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-4.007  
RULE TITLE: Renewal of Inactive Registrations, Licenses and Certifications

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-4.007, F.A.C., to clarify the continuing education requirements for the renewal of inactive appraiser licenses of all licensure categories.

SUMMARY: Real estate appraisers of all licensure categories who hold inactive licensure status for more than one (1) year but the inactive licensure status does not exceed two (2) years must complete the following continuing education to reactivate their licenses: thirty hours of Appraisal Board II (AB II) with end of course exam or its equivalent and thirty (30) hours of ACE.

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

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

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.618, 475.619 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-4.007 Renewal of Inactive Registrations, Licenses and Certifications.

(1) through (4) No change.

(5) When the inactive status is more than one (1) year but does not exceed two (2) years, the continuing education for all appraiser categories is as follows: thirty (30) hours of Appraisal Board II (ABII) with end of course exam or its equivalent and thirty (30) hours of ACE. When the inactive status is more than 1 year but does not exceed 2 years, the educational requirements are as follows:

(a) Registered, licensed, and certified appraisers—30 hours of Appraisal Board Course II (ABII) with end of course exam; however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours.

(b) Certified residential and certified general appraisers—30 hours of ABII with end of course exam and 30 hours of ACE.

(6) through (8) No change.

Specific Authority 475.614, 475.619 FS. Law Implemented 475.618, 475.619 FS. History—New 8-8-93, Amended 2-16-04, 3-1-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Real Estate Appraisal Board  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 3, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 2, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
 REGULATION**

**Florida Real Estate Appraisal Board**

RULE NO.: 61J1-9.001                      RULE TITLE: Standards of Appraisal Practice  
 PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is promulgating Rule 61J1-9.001, F.A.C., to ensure that real estate appraisers of all licensure categories comply with the 2006 Uniform Rules of Professional Appraisal Practice (USPAP).

SUMMARY: All real estate appraisers of all licensure categories must comply with the 2006 Uniform Standards of Professional Appraisal Practice (USPAP).

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 cost, or to provide a proposal for a lower regulatory cost alternative must do so in writing within 21 days of the notice.

SPECIFIC AUTHORITY: 475.613(2), 475.628 FS.

LAW IMPLEMENTED: 475.613(2), 475.628 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: Michael E. Murphy, Acting Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-9.001 Standards of Appraisal Practice.

All registered, licensed, or certified appraisers shall comply with the 2006 Uniform Standards of Professional Appraisal Practice (USPAP), which is incorporated by reference.

Specific Authority 475.613(2), 475.628 FS. Law Implemented 475.613(2), 475.628 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Florida Real Estate Appraisal Board  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: April 3, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 2, 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 Hearing Aid Specialist**

RULE NO.: 64B6-3.041                      RULE TITLE: Requirements for Reactivation of Retired Status License

PURPOSE AND EFFECT: The Board proposes to establish the requirements for reactivation of retired status licenses.

SUMMARY: The proposed rule establishes the requirements for reactivation of retired status licenses.

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

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

SPECIFIC AUTHORITY: 456.036, 484.044 FS.

LAW IMPLEMENTED: 456.036 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 Foster, Executive Director, Board of Hearing Aid Specialist/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-3.041 Requirements for Reactivation of Retired Status License.

A retired status licensee may change to active status provided:

(1) A licensee pay any renewal fees imposed on an active status license for all biennial licensure period during which the licensee was on retired status.

(2) A licensee must meet the continuing educational requirements for Rule 64B6-5.001, Florida Administrative Code, for each biennium the licensee was in retired status.

Specific Authority 456.036, 484.044 FS. Law Implemented 456.036 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialist  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Hearing Aid Specialist  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 31, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: May 19, 2006

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialist**

RULE NO.: 64B6-7.006  
RULE TITLE: Minor Violations; Notices of Noncompliance

PURPOSE AND EFFECT: The Board proposes the rule amendment to establish minor violations for inactive, retired status licensees.

SUMMARY: The proposed rule amendment is to establish minor violations for inactive and retired status licensees.

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: 120.695, 456.073(3), 484.044 FS.

LAW IMPLEMENTED: 120.695, 456.073(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Hearing Aid Specialist/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-7.006 Minor Violations; Notices of Noncompliance

(1) through (5) No change.

(6) The Board hereby establishes the following as minor violations pursuant to Sections 120.695 and 456.073(3), F.S.:

(a) through (l) No change.

(m) Practicing on an inactive or retired status license for three months or less, pursuant to Section 456.036, F.S.

Specific Authority 120.695, 456.073(3), 484.044 FS. Law Implemented 120.695, 456.073(3) FS. History—New 10-15-90, Amended 3-5-91, Formerly 21JJ-7.009, 61G9-7.009, Amended 9-24-97, 10-29-98, 12-20-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialist  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Hearing Aid Specialist  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: March 31, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 19, 2006

**DEPARTMENT OF HEALTH**

**Board of Hearing Aid Specialist**

RULE NO.: 64B6-8.003  
RULE TITLE: Trainee Stages, Minimum Training Requirements, and Training Programs

PURPOSE AND EFFECT: The Board proposes the amendment to clarify the requirements for the training program.

SUMMARY: The Board proposes the rule amendments to clarify the requirements for the training program.

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: 484.044, 484.0445(1) FS.

LAW IMPLEMENTED: 484.0445, 484.045 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 Foster, Executive Director, Board of Hearing Aid Specialist/MQA, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B6-8.003 Trainee Stages, Minimum Training Requirements, and Training Programs.

(1) through (4) No change.

(5) Upon completion of the training program, the trainee shall take the first available Licensure examination. A trainee may continue to function as a trainee until she or he has received the results of the licensure examination, provided that failure of the sponsor to file the complete report required herein will preclude the trainee from engaging in acts which constitute hearing aid dispensing until such time as the complete report is filed. ~~Also, until the complete report is filed, the trainee is not eligible to complete the first available licensure examination.~~ Upon receipt of the examination results a trainee that passes the examination may continue in Stage III

under the direct supervision of his or her sponsor until they have applied and received their license or up to ninety days whichever comes first. Pursuant to subsection 64B6-3.001(2), F.A.C. Payment of the fee and all other licensing requirements required by this rule shall be met within ninety (90) days of notification of licensure eligibility, or the eligibility certification becomes null and void and the person must reapply for licensure.

(6) A trainee who fails the licensure examination must immediately stop functioning as a trainee upon receipt of the examination results. However, a trainee may continue in Stage III of the training program by submitting to the Board within 10 days of receiving examination results a training program continuation request and taking the next available examination. A trainee who fails the licensure examination and does not submit a training program continuation request to the Board within 10 days of receiving the examination results may repeat the training program one time by meeting the criteria in Rule 64B6-8.002, F.A.C., and taking the next available examination.

(7) through (8) No change.

Specific Authority 484.044, 484.0445(1) FS. Law Implemented 484.0445, 484.045 FS. History--New 2-12-84, Formerly 21JJ-8.03, Amended 8-12-87, 10-1-90, 1-28-91, 4-23-91, 8-19-91, Amended 3-18-93, Formerly 21JJ-8.003, Amended 4-21-94, Formerly 61G9-8.003, Amended 7-11-02, 2-19-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Hearing Aid Specialist

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Hearing Aid Specialist

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 31, 2006

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

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-6.040                      RULE TITLE: Voluntary Prekindergarten (VPK) Director Endorsement for Private Providers

**NOTICE OF CHANGE**

Notice is hereby given that the following amendment was made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 20, of the May 19, 2004, issue of the Florida Administrative Weekly.

Subsection (1) was amended to delete reference to July 1, 2006, and a new subsection (4) was added to establish an effective date of December 31, 2006.

(1) Requirements for the Endorsement. Consistent with the requirements of Section 1002.55(3)(f), Florida Statutes, a private prekindergarten program delivering the Voluntary Prekindergarten (VPK) Education Program must have a director who has a VPK Director Endorsement, issued by the Department of Children and Families (DCF), that meets the requirements of subsection (2) of this rule. Successful completion of the Director Credential, as required by Section 402.305(2)(f), Florida Statutes, and paragraph 65C-22.003(8)(a), F.A.C., prior to the effective date of this rule July 1, 2006, shall satisfy this requirement.

(4) This rule shall become effective December 31, 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."

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**  
RULE CHAPTER NO.: 40D-2                      RULE CHAPTER TITLE: Water Use Permitting  
RULE NO.: 40D-2.801                      RULE TITLE: Water Use Caution Areas

**NOTICE OF CHANGE**

Notice is hereby given in accordance with subparagraph 120.54(3)(d)1., F.S., that the following changes are proposed to subparagraph 40D-2.801(3)(b)5., F.A.C. The proposed rule was published in the Vol. 32, No. 19, issue of the Florida Administrative Weekly on May 12, 2006. A new last sentence is being added to the subparagraph. The subparagraph is proposed to read as follows:

~~5.3.~~ Any permit with a withdrawal point located within the boundaries of the SWUCA is deemed to be within the SWUCA. Permits with permitted withdrawals in more than one Water Use Caution Area (WUCA) shall be subject to the conservation and reporting requirements of the WUCA within which the majority of permitted quantities are withdrawn, or projected to be withdrawn, in addition to all other rule criteria, including Minimum Flows and Levels requirements, as set forth in Chapter 40D-2, F.A.C., and this Basis of Review for Water Use Permit Applications. Nothing in the rules and Basis of Review for Water Use Permitting specific to the SWUCA shall be interpreted or applied in any manner that would interfere with the Recovery Strategy for the Northern Tampa

Bay Area as outlined in Rule 40D-80.073, F.A.C., or the Northern Tampa Bay New Water Supply and Ground Water Withdrawal Reduction Agreement.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40E-1.021                   Definitions  
                                  NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the Definition of the District’s ePermitting website since publication in the Florida Administrative Weekly, Vol. 32, No. 18, on May 5, 2006, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-1.021 Definitions.

When used in this chapter, Chapters 40E-4, Chapters 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) “e-Permitting website” means the District’s website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>. After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting homepage.

(2) through (5) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 668.003, 668.004, 668.50 FS. History–New \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

RULE NO.:                   RULE TITLE:  
40E-4.021                   Definitions  
                                  NOTICE OF CHANGE

In accordance with subparagraph 120.54(3)(d)1., F.S., notice is hereby given that the following change has been made to the Definition of the District’s ePermitting website since publication in the Florida Administrative Weekly, Vol. 32, No. 18, on May 5, 2006, pursuant to comments received from the Joint Administrative Procedures Committee:

40E-4.021 Definitions.

When used in this chapter, Chapters 40E-4, Chapters 40E-40, 40E-41, 40E-61, and 40E-400, F.A.C.:

(1) through (11) No change.

(12) “e-Permitting website” means the District’s website address for e-Permitting at <http://my.sfwmd.gov/ePermitting>. After accessing the e-Permitting website, the user clicks the start icon on the e-Permitting homepage.

(13) through (46) No change.

Specific Authority 373.044, 373.113, 668.003, 668.004, 668.50 FS. Law Implemented 373.019, 373.403-443, 403.031, 668.003, 668.004, 668.50, 704.06 FS. History–New 9-3-81, Amended 1-31-82, 12-1-82, Formerly 16K-1.05(1), Amended 7-1-86, 4-20-94, 10-3-95, 4-1-96, \_\_\_\_\_.

**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**

**Detention Services**

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
63G-2	Secure Detention Services
RULE NOS.:	RULE TITLES:
63G-2.002	Definitions
63G-2.003	Facilities and Maintenance
63G-2.004	Staffing and Operations
63G-2.005	Security
63G-2.006	Treatment, Training and Education of Youth
63G-2.007	Sanitation
63G-2.008	Capacity
63G-2.009	Bedding and Linens
63G-2.011	Medical Treatment, Health and Comfort
63G-2.012	Disciplinary Treatment

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule sections in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 8, February 24, 2006, issue of the Florida Administrative Weekly. The changes are in response to comments received at a public hearing on the rule conducted on June 9, 2006, in Tallahassee, and to those provided by the Joint Administrative Procedures Committee in a May 11 letter.

63G-2.002 Definitions.

For the purpose of this chapter, the following words, unless the context does not permit, shall have the meanings indicated:

(1) Activity Schedule – The ~~calendar of events~~ ~~schedule of activities~~ regulating the youth’s daily routine in a secure detention facility.

(2) Admission – The procedural process of placing a youth in detention status.

(3) Admission Officer – The ~~Juvenile Detention~~ Officer responsible for admitting a youth to secure detention status.

(4) Behavior Management System – A system designed to promote positive behavior through the giving or taking of rewards or privileges based on youth behavior.

(5) Behavioral Confinement – The placement of youth in a designated room for behavioral reasons.

(6) Census Counts – Process used to physically count each youth in the facility to ensure the number of youth in the facility is consistent with the number of youth the data system indicates are in the facility.

(7) Classification – The identification and placement of youth in facility housing and programming based upon a classification matrix.

(8) Constant Sight and Sound Supervision – Continuous and uninterrupted observation of a youth by a staff member who has a clear and unobstructed view of the youth and unobstructed sound monitoring of the youth at all times.

(9) Corporal Punishment – Physical punishment applied to the body of a ~~youth the offender~~, i.e. whipping, spanking.

(10) Cost of Care Recovery – Fees ordered by the court for the care, support and maintenance of the youth while detained.

(11) Designated Health Authority – ~~A Florida licensed physician (Medical Doctor or Doctor of Osteopathy), who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of health care within a detention center. Those individuals authorized to supply oversight of medical services in secure detention facilities.~~

(12) Designated Mental Health Authority – ~~A single licensed mental health professional who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of mental health care within a detention center. Those individuals authorized to provide oversight of mental health and substance abuse services in secure detention facilities.~~

(13) Detention Screener – The individual who completes the detention screening and ensures proper paperwork is present to correctly screen a youth for detention status.

(14) Documentation – The act or an instance of the supplying of electronically or manually prepared documents, supporting references or records.

(15) Facility Operating Procedures – Individual facility procedures which implement statewide policies and procedures.

(16) Grievance – An actual or supposed circumstance regarded as just cause for complaint by a youth in a secure juvenile detention center.

(17) Grievance Procedure – A procedure for addressing youth grievances in secure detention centers.

(18) Group Punishment – The punishment of a group of youth for the behavior of a few.

(19) Inactive Files – File material resulting from previous contacts with the youth.

(20) Incident Reporting – An incident requiring mandatory reporting based on department requirements.

(21) Juvenile Detention Officer – The officer responsible for the direct supervision of the youth in secure detention.

(22) Juvenile Detention Officer Supervisor – The officer responsible for the direct supervision of other officers in the performance of their duties.

(23) Juvenile Justice Information System – The department's electronic information system used to gather and store information on youth having contact with the department.

(24) Juvenile Probation Officer – The officer responsible for the supervision of a youth in the community or on post commitment probation or conditional release.

(25) Legal Guardian – An individual or agency with the legal status created by court order or letter of guardianship which vests in a custodian of the person or guardian the right to have physical custody of the youth ~~child~~ and the right and duty to protect, train, and discipline the youth ~~child~~ and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.

(26) Logbook – A written format for communication and record keeping in a secure detention facility.

(27) Master Control – The central security focal point in the facility for communication and tracking youth movement.

(28) Mechanical Restraints – Handcuffs, shackles, and belt chain.

(29) Quality Assurance System – A statutorily mandated process for the objective assessment of a program's operation, management, governance, and service delivery based on established standards.

(30) Radio Ten Codes – Standardized communication codes to ensure fast, accurate, and universal communication in detention facilities.

(31) Regional Director – The person responsible for the supervision of the superintendents of regional juvenile detention centers in a specified region.

(32) Release – The removal of a youth from detention status.

(33) Secure Detention – A physically restricting facility for the temporary care of youth ~~children~~, pending adjudication, disposition, or placement.

(34) Security Devices – Devices both mechanical and electrical that enhance security in the facility.

(35) Superintendent – The person responsible for the operation of a designated regional juvenile detention center.

(36) Supervision – The direct care, custody, and control of youth while in detention status.

(37) Verbal and Physical Intervention – Verbal and physical response used to maintain control of youth.

(38) Youth – Any youth ordered into secure detention status.

(39) Youth Rights – Rights conferred upon a youth by state and federal law, department policy, and current best practices.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10) FS. History–New \_\_\_\_\_.

#### 63G-2.003 ~~Facilities Construction~~ and Maintenance.

(1) The Department shall ensure that detention facilities ~~any newly constructed facility is designed to~~ comply with the following:



(a) ~~No more than 1 youth per every 150 square feet of floor space may be housed in a detention facility. Sleeping rooms shall provide a minimum of 25 square feet of unencumbered space per fixed bed. Provide adequate space for the activities of the facility, to include sleeping rooms, dayrooms, classrooms and multipurpose areas.~~

(b) ~~Each youth shall have access to a toilet, sink, and shower. Provide adequate toilets, wash basins, and showers, consistent with the number of youth in the facility.~~

(c) ~~Facilities used by the handicapped shall be designed for their use and shall provide for integration with the general population. Provide appropriate facilities to safely and securely meet the needs of handicapped youth.~~

(d) ~~Provide adequate outdoor activity space for large muscle exercise including, but not limited to, calisthenics and unimpeded walking or running, to allow at least one hour of outside activity daily.~~

(e) All ~~renovations~~ ~~construction~~ shall comply with established building codes and requirements.

(2) The ~~department~~ ~~detention superintendent or designee~~ shall ensure that systems and/or programs, contracted or otherwise, are in place to address facility needs related to the maintenance, repair, replacement and continual evaluation to include the following: ~~of the:~~

- (a) Integrity of the facility structure(s).
- (b) Mechanical systems.
- (c) Electrical systems.
- (d) Communication and surveillance systems.
- (e) Commercial food service equipment.
- (f) Systems related to pest control, garbage removal and upkeep of the facility grounds.
- (g) Systems related to fulfilling local and state health and sanitation requirements.
- (h) Systems related to fire safety, disaster preparedness and the operation of the emergency generator.
- (j) Documentation of issues as outlined above shall be maintained as required by state, department, facility and/or local guidelines, policies and procedures.
- (k) The superintendent or designee shall ensure all tools and equipment related to maintenance are properly cared for, stored and inventoried.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History--New \_\_\_\_\_.

63G-2.004 Staffing and Operations.

(1) Organization:

(a) The Assistant Secretary for Detention Services as appointed by the Secretary of the Department of Juvenile Justice, is responsible for all aspects of detention services including but not limited to the operation of all detention centers statewide.

(b) The regional director who, in turn, reports directly to the Assistant Secretary directs all operations related to detention services in their region.

(c) Detention superintendents report to a designated regional director.

1. The superintendent or designee shall maintain an organizational chart of the center's personnel structure. The organizational chart shall at a minimum include:

- a. An outline of the structure of authority and accountability within the center.
- b. Names, positions, position numbers and a clear chain of command for all facility positions.
- c. Updating as needed and reviews at least quarterly for accuracy.

2. Position descriptions shall be maintained for facility personnel and shall include all information as required by the Florida Administrative Code.

3. Each detention facility shall be staffed to ensure the total number of FTE (Full Time Equivalency) positions allocated to a detention center shall be such that there is a minimum of 1 FTE position per every 1.5 fixed beds. ~~Shift schedules for detention officers shall ensure staffing that will provide for a safe and secure environment during all hours of each day of the week. The superintendent shall review staff schedules prior to implementation.~~

4. Shift schedules for detention officers shall ensure staffing that will provide for a safe and secure environment during all hours of each day of the week. The superintendent shall review staff schedules prior to implementation. ~~Schedules for administrative and support staff shall be developed at the discretion of the superintendent to best meet the needs of the facility.~~

5. Schedules for administrative and support staff shall be developed at the discretion of the superintendent to best meet the needs of the facility.

(2) Monitoring and Assessment:

(a) Detention superintendents shall designate to their facility Assistant Superintendents the responsibility of preparing quarterly reports analyzing facility operations, which shall include:

- 1. Review, investigation and follow-up actions of incidents impacting the safety and security of daily operations.
- 2. Review of population trends.
- 3. Review of safe, secure and humane conditions of confinement for youth.
- 4. Review of other issues as identified by the superintendent.
- 5. Recommendations to best address any issues identified above.

(b) These reports shall be reviewed in a timely manner by the superintendent who will forward these reports with comments and or corrective actions to the regional director for review and action.

(c) The detention center shall be subject to ~~annual periodic~~ reviews by the ~~d~~Department's Quality Assurance unit. Should a facility fail to maintain at least a minimum satisfactory rating in quality assurance, a corrective action plan shall be implemented. ~~Continued failure to maintain at least a satisfactory rating shall be addressed consistent with Florida Statute. If the center fails to achieve compliance with the established minimum thresholds within six (6) months, and if there are no documented extenuating circumstances beyond the center's control that make it difficult or impossible to meet minimum QA standards, then the department must notify the Executive Office of the Governor and the Legislature of the corrective action taken. Appropriate corrective action may include, but is not limited to the following:~~

1. Contracting out for the services provided in the program;

2. Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;

3. Redesigning the program.

(d) The Department will grant special consideration to any detention center achieving an overall performance rating of 80% or higher (Commendable and Exceptional Performance) rating in each key programming area and an overall compliance rating of at least 90% during its annual quality assurance (QA) review. To be eligible, the center must also meet all standards in at least the acceptable performance range and pass the education standard in programs that provide educational services. This special consideration will be in effect for a period of two years following the qualifying review. The first year following the qualifying review, there will be no quality assurance review conducted of any type. ~~The second year following the qualifying review will include a short form review.~~

(3) Training:

(a) ~~All juvenile justice officers shall be trained and certified in Protective Action Response within 90 days of their hire date. All juvenile justice officers shall be trained and successfully complete the Basic Officer Certification Program within 180 days of their hire date. All juvenile justice officers must should be trained and receive PAR certification within 90 180 days of the hire date. There will be two phases to the staff training.~~

1. Phase One of the staff training includes essential skills as identified by the Department of Juvenile Justice Bureau of Staff Development and Training. No officer will be permitted to assume the care and custody of detained youth until he or she has completed verbal and physical intervention and has

been certified to administer CPR/First Aid. When Phase One is completed, the officer will be permitted to interact with detained youth under the supervision of a certified officer.

2. Phase Two of the staff training includes policy and procedures as identified by the Department of Juvenile Justice Bureau of Staff Development and Training. Upon successful completion of Phase Two training, the staff member will be a certified officer and be permitted to assume the care and custody of detained youth.

(b) Training curricula shall address specifically the sequence, steps, methods, required paperwork and other applicable details officers would follow as part of their duties and responsibilities.

(c) Detention superintendents or designees shall ensure compliance with all training requirements.

(4) Interns and Volunteers:

(a) May be utilized to work directly with youth to promote a variety of educational, life and/or job related skills.

(b) All prospective interns or volunteers working more than 40 hours in a month shall be initially screened per departmental screening procedures, ~~and must possess appropriate qualifications per guidelines established by the superintendent.~~ Interns and volunteers working less than 40 hours in a month and who are under the direct and constant supervision of persons who have met the department's screening requirements are not required to undergo background screening.

(c) Interns and volunteers shall receive security appropriate training to allow them to safely and securely interact with youth prior to having contact with ~~any~~ youth. This training will enable the intern/volunteer to interact with youth without compromising the safety and security of the youth, staff, and the facility.

(d) The superintendent or designee shall maintain a file on all interns and volunteers. ~~The file shall include including~~ at a minimum, the approved background screening paperwork, the superintendent's review of the paperwork, and approval to be an intern or volunteer and documentation of training.

(e) Interns and volunteers shall comply with all departmental rules policies and procedures and Florida statutes.

(f) All activities, topics of discussion, lessons, etc. shall enhance services to youth conducted by interns or volunteers shall be approved by the superintendent or designee. The activities may include but are not limited to the following topics:

1. Religious: Groups facilitating religious activities such as, Bible studies, choirs, provision of special ceremonies, and religious services.

2. Drugs/Alcohol: Groups providing services in the area of drug and/or alcohol abuse prevention, which may include education, counseling, and support groups.

3. Community Reintegration: Groups whose services are aimed at assisting the juvenile to develop community survival skills.

4. Recreation: Groups providing leisure time activities such as arts and crafts, athletics, and entertainment.

5. Academic/Vocational: Groups providing educational assistance such as tutoring, educational counseling, classes, job training and preparation.

(g) An officer shall maintain supervision of youth during all intern or volunteer sponsored activities.

(5) Admission:

(a) The superintendent shall ensure officers are trained in the admission process including the review and completion of required paperwork and the sequence of required actions.

(b) The admission process shall address the following:

1. Review of rRequired paperwork from law enforcement and screening staff prior to initiating the admission process.

2. Completion of the Juvenile Justice Information System (JJIS) Admission Wizard. The Admission Wizard is a database containing all elements required for an admission.

3.2. Medical screening of youth at the time of admission requires the completion of the Medical and Mental Health Screening form in the JJIS Admission Wizard.

4.3. The admission officer shall clearly communicate to the youth the rules of the center and expectations of behavior.

5.4. The youth shall be electronically searched, frisk searched, and strip searched by an officer of the same sex as the youth.

6.5. All items in the youth's possession, including clothing, shall be searched, inventoried and documented, to include both the signature of the admission officer and the youth. All items shall be placed in a secure location.

7.6. A photograph of the youth shall be taken and maintained in the youth's file.

8.7. Inactive files shall be reviewed, if available, to obtain useful information.

9.8. The youth shall be allowed to place a telephone call at the facility's expense and the call shall be documented on all applicable forms. The youth shall not be allowed to telephone the victim(s) unless it is a relative who is a victim of domestic violence and the admission officer verifies that the victim is willing to talk with the youth.

10.9. If the admission process is completed two hours or more before the serving of the next scheduled meal, the youth shall be offered something to eat.

11.10. The youth shall be screened to identify medical, mental health, and substance abuse needs. Any indication requiring services shall be documented, and appropriate referrals and services provided. The detention facility shall use an alert system within JJIS to identify youth with special needs. Staff shall give special attention to observing youth in the alert system to ensure their special needs are met.

(6) Transfers:

(a) Youth may be transferred into a detention center from either another detention center or from a residential commitment program.

(b) The admission process for transfers shall be as follows:

1. Active files shall be reviewed to ensure all required evaluations and documents are present and to determine any special needs or supervision.

2. Youth shall be screened to determine if there are any mental health, substance abuse, or physical health issues, and necessary referrals and services provided.

3. Youth shall be electronically searched, frisk searched, and strip searched.

4. Any personal property shall be searched, inventoried and securely stored.

(7) Documentation:

(a) All activities, incidents, and information relative to safety and security in the facility shall be ~~properly~~ documented.

(b) Written documentation includes a range of logbooks, reports, forms, and communications.

(c) All documents represent official records and are legal documents. Failure to document required information, falsification of information, or failure to properly retain written documents may result in disciplinary action.

(d) Reports related to facility operations fall into two categories: internal and external reports.

1. Internal reports refer to reports that are utilized regularly by officers and other facility staff in the day-to-day operation of the facility and are reviewed per facility operating procedures. Reports are retained per state retention guidelines. Internal reports include, but are not limited to, the following:

a. Shift reports

b. Incident reports

c. Confinement reports

d. Documentation of ~~verbal and~~ physical interventions to control behavior.

2. External reports refer to reports that are forwarded from the facility to sources required by the legislature, the department or other governmental agencies. External reports include, but are not limited to:

a. Reporting of incidents to the Central Communications Center. The Central Communications Center (CCC) is an office staffed 24 hours per day every day with employees whose responsibilities include receiving information from staff concerning incidents occurring in department facilities and programs that involve, staff, youth, providers, visitors or parents/guardians. CCC staff disseminate and track information and document actions taken.

b. National School Lunch meal reports.

c. Reports to the ~~Florida central Abuse h~~Hotline, pursuant to Chapter 39, Florida Statutes.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1. FS. History--New \_\_\_\_\_.

63G-2.005 Security.

(1) Security Audits: The regional director shall ensure security audits are conducted and documented by department personnel on a quarterly basis. Security Audits are reviews by a team of professional staff inspecting security systems, equipment, policy, procedures and staff actions. The results are documented. Any deficiency is noted and corrective actions must be made.

(2) Security Devices:

(a) Security devices are used to enhance the supervision provided by trained staff. The following security devices are utilized in detention centers:

1. CCTV, radios and other recording and audio devices
2. Doors, vestibules, man-traps / interlocking doors, keys, locks, windows, and electronic controls
3. Mechanical restraints, i.e. handcuffs, restraining belt, leg cuffs, soft restraints
4. Fencing, hardware cloth, razor wire, and sallyports.

(b) The detention superintendent shall ensure:

1. Security devices ~~shall be~~ ~~are~~ checked for proper operation / status on each shift, with the findings documented on the shift report and applicable logs under Rule 63G-2.004, F.A.C.

2. Noted deficiencies shall be ~~are~~ reported to maintenance and administration for corrective action.

(3) Master Control:

(a) Master Control's function, as it relates to security, involves 24-hour, seven days per week observation and monitoring of all activities occurring within the facility. Master Control performs a number of critical tasks related to safety and security. It is the central security focal point in the facility for communication and tracking youth movement.

(b) The detention superintendent shall ensure the master control operator or designee maintains a bound log book and documents admissions, releases, census counts at the beginning and end of each shift and throughout the shift as the count changes, youth movement, emergencies, and any other relevant incidents / information.

(c) Master Control or other security stations as designated by the superintendent shall ensure all visitors, both visiting DJJ staff and others, are documented.

~~(d) Master Control monitors and controls security devices.~~

~~(d)(e)~~ Master Control clears all movement of youth prior to the actual movement.

(4) Communications:

(a) The detention superintendent shall require that upon reporting to duty, officers and supervisors are briefed by the outgoing supervisor or designee on each shift. Briefings at a minimum shall include:

1. Review of census counts including admissions and releases
2. Names of youth placed in confinement and current status
3. Names and status of youth on suicide watch or with special medical alerts
4. Status of security devices
5. Incidents that contribute to jeopardizing safety and security
6. Any other information applicable to maintaining a safe and secure environment.

(b) The lead officers assigned to the direct supervision of a group of youth shall be issued radios to be used to communicate with other lead officers, supervisors and Master Control as needed. Facility administration shall be assigned radios compatible with those issued to staff.

(5) Key Control:

(a) The detention superintendent or designee shall maintain a key inventory accounting for all keys.

(b) Emergency key rings with keys providing egress through the facility exterior shall be maintained separately from other facility keys in areas designated by the superintendent. These keys shall be notched or be otherwise identifiable by touch only.

(c) Employees shall not allow youth to handle facility keys.

(d) Key rings shall not be removed from the facility or the facility grounds without authorization from the superintendent.

(e) Lost key rings shall be reported immediately to the supervisor on duty.

(f) Youth movement shall cease immediately in the event of a lost key ring.

(6) Supervision of Youth:

(a) The primary function of the juvenile detention officers is to provide supervision, control, and custody of youth.

(b) Officers shall know the exact number and location of all youth assigned to them at all times.

(c) Census counts of youth shall be taken and documented, at a minimum:

1. At the beginning and end of each shift
2. Prior to and following routine movement
3. Following any evacuation of the facility due to emergency or fire drill
4. Randomly, at least once, on each shift.

(d) When youth are noncompliant or present a danger to self or others, staff ~~Officers~~ shall intervene using approved following departmental guidelines for verbal and physical intervention techniques and if necessary, the application of mechanical restraints ~~when youth are noncompliant or present a danger to self or others.~~

(e) Officers are responsible for the care of youth at all times. At no time shall another youth be allowed to exercise control over or provide discipline or care of any type to another youth.

(f) Superintendents or designated supervisors shall tour the youth living areas more than once each shift.

(7) Classification of Youth:

(a) Youth admitted to the detention center shall be classified to provide the highest level of safety and security.

(b) The detention superintendent shall ensure the classification process is implemented by juvenile detention officers.

(c) Youth shall be reclassified if changes in behavior or status are observed.

(d) Officers shall ensure classification factors include, but are not limited to, a youth's sex, age, physical characteristics, developmental disabilities, physical handicaps, mental illness, criminal history, and level of aggressiveness and/or a history of sexual offenses.

(e) Youth classified as suicide risks shall be placed on constant sight and sound supervision.

(8) Living Area / Room Assignments:

(a) Youth shall be assigned to a room based on their classification.

(b) Youth with a history of committing sexual offenses or of being a victim of a sexual offense shall not be placed in a room with any other youth.

(c) Youth with a history of violent behavior shall be assigned to rooms where it is least likely that they will be able to jeopardize safety or security.

(d) Rooms shall be searched and findings shall be documented prior to the initial placement of a youth in a room.

(e) When a youth is confined to a room, whether for sleeping, disciplinary or other reasons, officers shall conduct, at a minimum, 10-minute checks to ensure safety and security. Ten-minute checks shall be documented to include the time of the check and the initials of the officer completing the check. If an officer, in the course of completing checks, is unable to see any part of a youth's body, the officer shall, with the assistance of another officer, open the door to verify the youth's presence.

(9) Searches:

(a) The Detention Superintendent shall ensure the primary function of any search is to locate contraband and to identify any item or situation that may be hazardous or otherwise compromise safety or security.

(b) The result(s) of any search shall be documented in the designated logs and on the shift report.

(c) Any item or situation, which may compromise safety or security, shall be reported immediately to the on-duty supervisor.

(d) Law enforcement shall be contacted if any found item would be considered illegal as defined in Florida Statute, or if there is evidence of any type of unlawful activity.

(e) Youth shall have in their possession only those items they are authorized to have; any other item shall be considered contraband.

(f) Officers are to be trained in when, why and how to conduct a number of different searches, including, at a minimum:

1. Frisk searches shall be conducted during admissions, following activities outside the living area, prior to and after transportation, and randomly.

2. Electronic searches shall be conducted during admissions, following any transport, and randomly.

3. Strip searches shall be conducted during admissions, or if there is a reasonable suspicion a youth is harboring contraband. All strip searches shall be conducted by officers of the same sex as the youth.

4. Room searches shall be conducted during the first two shifts (morning and afternoon) and ~~or~~ if there is a reasonable suspicion that a youth is harboring contraband in a room.

5. Recreation field searches shall be conducted at the beginning of each shift and prior to any outdoor activity.

6. Perimeter, outside the fence line, and parking lot(s) searches shall be conducted once during each shift.

7. Vehicle searches shall be conducted prior to and after the transportation of any youth.

(g) Officers and other facility staff shall not be allowed to introduce personal items into the secure area without authorization of the superintendent or designee.

(10) Firearm and Weapon Control:

(a) The detention superintendent shall ensure the following:

1. Firearms and weapons as defined in Chapter 790, Fla. Stat., shall not be in the possession of any department employee while on state property or during the performance of their job unless authorized by the department.

2. Firearms and weapons may only be brought into the secure area of any detention facility by law enforcement when emergency conditions exist.

(b) The possession of any firearm or weapon by a youth is a criminal act.

Such items shall be seized if there is no immediate danger posed and law enforcement must be contacted.

(11) Emergencies:

(a) Officers and other facility staff shall be trained and prepared to address emergency situations. All facility staff shall call 911, if they believe any youth or staff requires emergency care. If 911 services are requested, Master Control shall be notified of the request as soon as possible to assist arriving emergency personnel in getting to the proper location.

(b) Regardless of the type of emergency, the supervision of youth and safety and security may be adversely affected and will demand immediate officer response.

(c) Emergency situations are categorized into three broad categories: youth oriented; weather / nature; and man-made situations.

1. Youth oriented emergencies include: escapes, riots, hostages, threat to life caused by the possession of a firearm or weapon, general disturbances and medical crisis. In the event of a medical emergency, all staff are trained in CPR/First Aid and are required to immediately provide assistance to the youth.

2. Weather / nature emergencies include: hurricanes, tornadoes, fire, flooding, power outages or other severe weather conditions.

3. Man-made situations include: fire, bomb threats, chemical spills, ~~power outages~~ and the intrusion of any outside force.

(12) Non-facility Staff in Secure Areas:

(a) Access to secure areas must frequently be provided to a number of different entities including, but not limited to: probation officers, law enforcement, officials of the court, school board personnel, contracted medical and/\_or mental health personnel, representatives from the Department of Children and Families, ~~and~~ the Agency for Persons with Disabilities, and service vendors.

(b) The superintendent shall ensure the following:

1. Visiting personnel conducting official business shall display proper identification.

2. The superintendent shall designate what areas persons not employed at the facility may enter.

(c) The supervision of youth remains the responsibility of officers even when youth are with non-facility staff.

(d) When youth are with non-facility staff, sight supervision should be maintained by an officer whenever possible. At a minimum, youth with non-facility staff shall be monitored by the facility's surveillance equipment.

(e) Service vendors will be accompanied by designated facility staff at all times when in the secure area of a detention center. The superintendent may authorize exceptions to this guideline. All tools or other service items introduced into the secure area shall be accounted for following all service calls.

(f) All contracted employees shall enter and exit the facility through the main entrance and shall sign in and out of the facility.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)1 FS. History--New \_\_\_\_\_.

63G-2.006 Treatment Training and Education of Youth.

(1) Orientation:

(a) Youth shall be advised of facility rules and regulations, expectations for behavior and related consequences, and youth rights during an orientation process completed by an officer.

(b) Orientation shall occur within 24 hours of a youth being admitted into the facility and documented accordingly.

(2) Officer and Youth Interaction:

(a) The interaction between officers and youth is a critical component of the youth's time in detention and significantly impacts the youth. The quality of the program is contingent largely upon officers setting reasonable expectations and youth understanding how to appropriately interact with the officers.

(b) Officers must be clear and concise and use appropriate language in order to communicate effectively.

(3) Officer Professionalism:

(a) Officers shall maintain professional relationships with all youth and should avoid the appearance of personal relationships.

(b) Officers are role models and shall act accordingly.

(c) Officers shall not engage in personal relationships nor discuss any personal information relating to themselves or other officers with any youth.

(d) If a youth is a relative or family friend of an officer, it is the responsibility of the officer to report this through the designated chain of command.

(e) Officers shall not enter the sleeping quarters of the opposite sex unless accompanied by an officer of the same sex as the youth. However, any officer that discovers a youth attempting to commit suicide must immediately survey the scene to assess the level of emergency, and call for assistance. If the youth is demonstrating any sign of medical distress or is unresponsive, the officer must take immediate action and begin life-saving measures. Single officer cell entry is permitted to save lives. Life-threatening behaviors require an immediate response. Officers must use extreme caution when intervening without assistance.

(f) Officers shall not engage in "horseplay," either verbal or physical, with any youth.

(g) Officers shall not have written correspondence or verbal communication, including telephone calls, with any youth unless the communication is part of the identified duties.

(h) Officers shall not have any physical contact with any youth that could be viewed as potentially inappropriate except in the necessary application of verbal and physical intervention.

(j) Physical abuse of youth is prohibited by law and any suspicion or knowledge of such must be reported to the central abuse hotline, pursuant to Chapter 39, Fla. Stat., and the Central Communications Center.

(k) Officers shall not verbally abuse, demean or otherwise humiliate any youth, and shall not use profanity in the performance of their duties.

(l) Officers shall maintain the confidentiality afforded to all youth and shall not release any information to the general public or the news media about any youth.

(4) Daily Activities:

(a) Youth shall be provided the opportunity to participate in activities that will benefit youth and the facility by involving youth in constructive activities.

(b) Youth are expected to participate in all activities unless exempted due to medical or disciplinary reasons.

(c) Juvenile detention officers shall supervise all activities and shall maintain safety and security.

(d) Documentation of all activities shall be made in all applicable logs.

(5) Activity Schedule:

(a) The superintendent or designee shall develop a daily schedule clearly outlining the days and times for every youth activity.

(b) Daily activity schedules shall be posted in all living areas.

(c) Juvenile detention officers shall adhere to the daily activity schedules. The on-duty supervisor must approve any significant changes in the activity schedule (e.g. cancellations, extended delays, etc.), and shall document the rationale for the changes on the shift report.

(6) Education:

(a) The department's standards and requirements for education in detention facilities will be consistent with those established by the Department of Education and will be outlined within a cooperative agreement with the Department of Education and the local school district. Youth shall attend school per guidelines established by the Florida Statute and the Department of Education. Youth are required to receive 300 minutes per day of educational instruction.

(b) The cooperative agreement shall include the mandated standards and requirements found in Sections 1003.52, 1006.13, 985.3155, Fla. Stat.

~~(c)(b)~~ The superintendent or designee shall work in partnership through a cooperative agreement with local school officials to ensure a quality school program is available for all youth. The superintendent or designee shall ensure compliance with the cooperative agreement.

~~(e) The superintendent or designee shall ensure compliance with the cooperative agreement.~~

(7) Recreation and Leisure Activities:

(a) Physical training is designed to promote healthy physical growth and development by providing structured large muscle exercise daily.

(b) Youth shall be afforded at least one hour daily of large muscle exercise outdoors. Outdoor exercises may be canceled, postponed or moved indoors at the discretion of the on-duty supervisor for reasons related to weather, safety or security.

(c) Activities such as free weights, softball, baseball, tackle football and horseshoes are prohibited activities due to safety and security concerns.

(d) Officers shall not participate in any physical activity with youth, but may direct or otherwise instruct youth in an activity.

(e) Exercises shall be consistent with the youths' physical capabilities.

(f) Exercises shall not be used for punitive reasons nor to demean, embarrass or humiliate a youth.

(8) Indoor Activities:

(a) Indoor activities shall promote educational, problem solving and/\_or life skills.

(b) Permissible and prohibited activities shall be determined by the superintendent or designee, with safety and security being considered.

(c) All movies shall be rated G or PG and be previously approved by the superintendent or designee.

(d) Indoor activities shall be canceled or postponed at the discretion of the on-duty supervisor for reasons related to safety or security. Such actions shall be documented.

(e) The on-duty supervisor shall ensure that television / videos are used either for educational purposes or as part of the facility's behavior management system. Television programs and videos shall be content appropriate and should not promote violence, criminal activity, or sexual/\_abusive situations.

(9) Visitation:

~~(a) Visitation of youth in detention is strongly encouraged and supported.~~ The superintendent shall develop a visitation plan consistent with the following:

1. One day of the week, at a minimum, ~~of the week~~ with specified times, will be designated for visitation.

2. Guidelines for canceling any visits that may adversely affect safety or security of officers or youth shall be established.

3. The rules and visiting hours shall be conspicuously posted to ensure visibility to both visitors and youth.

4. All visitors must present a picture ID prior to being authorized to enter the facility every time they visit and be cleared through the metal detector before being authorized to enter the visiting area. Any individual that fails to present proper identification, refuses to be searched or cleared through the metal detector shall be denied access to the facility. Acceptable forms of picture identification are a valid State Driver's License, State Identification Card and a national Passport.

5. Visitors shall not bring personal items (e.g., keys, purses, packages, etc.) into the secure area. Posted visitation rules shall include this information, along with a warning that the introduction of any unauthorized items into a detention center is a third-degree felony consistent with Section 985.4046, F.S., which prohibits the introduction of

unauthorized items into a detention center. Visitors will be electronically screened by passing through a walk-through metal detector.

6. Visitors shall sign in on the Visitor's Log of the youth being visited.

7. Visitors shall be denied entrance if they:

a. Are disruptive or uncooperative.

b. Refuse to be electronically searched.

c. Refuse to comply with officer instructions.

d. Are under the influence or appear to be under the influence of any intoxicating substance.

e. Fail to present proper photo identification, such as a Driver's License.

f. Attempt to introduce contraband into the secure area.

g. Are dressed in a manner that any reasonable person would consider inappropriate for visiting a youth in a detention facility. Appropriate attire covers the torso and includes shoes. Inappropriate attire includes, but is not limited to attire that is provocative, sexually suggestive, or otherwise offensive to the point it would likely disrupt day-to-day activities, as outlined in the facility operating procedure and posted at the facility entrance.

8. Legal counsel, guardians ad litem, probation officers, law enforcement officers, clergy and other professionals may visit youth as necessary, but are subject to the same requirements regarding signing in and contraband. Parents, grandparents, and legal guardians are approved visitors. Others may only visit if so ordered by the court or specifically approved by the superintendent or designee. The criteria for allowing others to visit is based on that which is consistent with treatment and progress in the program. Both the on-site mental health professional and the youth's probation officer shall assist the superintendent or designee in making this determination.

(b) Visitation may be terminated if the behavior of the visitor or youth is disruptive to the point of jeopardizing the safety of any youth or staff. Officers will follow subsequent reporting procedures if a visit is terminated or not in compliance with facility policies or procedures, and officers will follow subsequent reporting procedures if a visit is terminated. The termination of a visit may lead to the suspension of future visitation privileges at the discretion of the superintendent.

(c) Visitation rooms or areas and any other common area will be searched both prior to and following visitation to ensure the absence of any hazardous or dangerous items or items that would be considered contraband.

(d) If a visitor has a question regarding a youth's case or charges, they shall be referred to the Juvenile Probation Officer.

(e) Youth shall be frisk searched following visitation, and if contraband is suspected, but not found during the frisk search, a strip search shall be initiated.

(10) Telephone Usage:

(a) The superintendent or designee shall develop procedures governing telephone usage.

(b) The following subsections outline the minimal procedural requirements.

1. Youth shall have access to use a telephone for 15 minutes a week.

2. This time may not be restricted as a consequence for non-compliant behavior; however, use of the phone may be postponed or rescheduled due to any safety or security concerns.

3. This time may be extended as outlined in the facility's behavior management system.

4. All telephone calls and attempted calls shall be documented on the youth's Telephone Log. These logs shall be placed in the youth's file upon release from detention.

5. Youth may not contact victims (with the exception of the victims of domestic violence as outlined in Rule 63G-2.004, F.A.C.) or co-defendants.

6. Telephone conversations shall be terminated if they are disruptive, or otherwise impact safety or security.

7. Youth shall have reasonable access to a telephone to contact their legal counsel, child welfare officer, and/or their juvenile probation officer. These telephone calls are not counted as part of the allocated 15 minutes of calls as referenced herein.

8. Youth who are unable to make contact with their parents or legal guardians because they will not accept collect calls, shall be allowed one free call to them per week. This call will be included in their 15 minute per week allotment.

(11) Mail:

(a) Youth shall be provided the opportunity to both receive and send mail.

(b) The superintendent or designee shall develop procedures governing mail consistent with the following:

1. All incoming and outgoing mail will be screened for content that could jeopardize safety or security. Mail shall be processed within 48 hours, excluding weekends and holidays.

2. Postage and writing materials will be provided by the facility for personal correspondence for youth to post a minimum of two letters weekly.

3. Youth shall not be denied the opportunity to write their attorneys; however, this time may be postponed or rescheduled due to any safety or security concerns.

4. Youth shall not write to other youth in any juvenile detention center or residential commitment program. Youth shall not write to anyone relative incarcerated in an adult correctional facility without the permission of the superintendent or designee.

5. Due to the possibility of biological or chemical contamination, and in the interest of youth and staff safety, incoming packages and letters are not to be opened in the



presence of the youth. They are to be opened at a location that offers the highest level of safety for staff and youth, using appropriate safety precautions. The only exception to the above is mail clearly marked from the youth's attorney. This mail is to be opened in the presence of the youth. Acceptable enclosures may include appropriate photos (not Polaroid) or paper drawings. Unacceptable enclosures may include money or potentially dangerous items such as weapons or illegal drugs, which will be seized and inventoried ~~per facility operating procedures~~.

6. Postage stamps shall be removed from all envelopes prior to the delivery of mail to youth.

7. Mail received after a youth's release shall be returned to the sender.

(12) Grievances:

(a) Youth may file a grievance should they feel their rights have been violated or they have been treated unfairly.

1. Officers shall attempt to resolve any dispute or issue that could lead to the filing of a grievance prior to the actual filing of a grievance. Officers utilizing effective communication skills may resolve many disputes and /\_or issues that a youth may have prior to the initiation of the grievance process.

2. If youth have been afforded the same protections and rights as the general population, they may not file a grievance.

3. Any denial of a youth's request to grieve shall be documented.

4. The superintendent or designee shall review the supervisor's logbook to determine any patterns of abuse or misuse related to youths' opportunities to grieve.

(b) Grievances do not replace the responsibility of reporting abuse. If the grievance is an allegation of abuse, it must be reported to the Florida Abuse Hotline, pursuant to Chapter 39, Fla. Stat., and the Central Communications Center, and shall be handled pursuant to such guidelines and no longer as a grievance.

(c) The grievance process is as follows:

1. The supervising officer(s) will issue both a Grievance Form and a pencil to any youth who wishes to file a grievance. The Grievance Form (June 2006) is incorporated by reference, and is available from the Assistant Secretary for Detention, 2737 Centerview Drive, Ste. 309, Tallahassee, Florida 32399-3100.

2. Paper and pencil shall not be issued to any youth who is visibly angry and /\_or out of control.

3. The completed Grievance Form shall be forwarded within two hours to the on-duty supervisor.

4. The on-duty supervisor shall document his / her findings on the Grievance Form and will advise the youth of what actions, if any, may be taken.

5. Any action that may involve disciplinary proceedings against an officer shall not be reported to the youth.

6. If possible, the youth should be informed of the on-duty supervisor's findings by the end of the shift. Should there be circumstances that would not allow that, the youth will be informed within 24 hours.

7. The youth may agree or disagree with the supervisor's findings / actions, and will sign in the designated area on the form so indicating.

8. The supervisor shall forward the Grievance Form to the superintendent or designee upon completion.

9. The superintendent or designee shall review all completed Grievance Forms within 72 hours of receipt excluding weekends and holidays, and shall take whatever corrective actions deemed necessary. The superintendent's decision is final.

10. A separate file shall be maintained of all grievances. Grievances shall be maintained chronologically by month for one year.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)2. FS. History--New\_\_\_\_\_.

63G-2.007 Sanitation.

(1) Each detention facility is responsible for ensuring the physical plant and that its grounds are maintained in a safe and sanitary manner in compliance with Florida Administrative Code (F.A.C.) provisions in the following areas:

(a) Water Supply: F.A.C. 64E-12.003.

(b) Food Service: F.A.C. 64E-11.

(c) Housing: F.A.C. 64E-12.005.

(d) Insect and Rodent Control: F.A.C. 64E-12.006.

(e) Laundry: F.A.C. 64E-12.008.

(f) Poisonous or Toxic Substances: F.A.C. 64E-12.009.

(g) Garbage and Rubbish: F.A.C. 64E-12.010.  
(h) Recreational Areas: F.A.C. 64E-12.011 all applicable codes and standards, such as fire safety, health, and sanitation.

(2) The superintendent or designee shall conduct a weekly sanitation inspection and shall document findings.

~~(2) The detention center's potable water sources and supply shall be in compliance with jurisdictional laws and regulations.~~

(3) Biohazardous waste shall be disposed of in accordance with OSHA Standard 29 CFR 1910.1030. Youth shall not be allowed to clean, handle, or dispose of any other person's biohazardous material, bodily fluids, or human waste.

(4) All facilities shall be inspected by the appropriate persons in reference to state health, sanitation and food service standards.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)3. FS. History--New\_\_\_\_\_.

63G-2.008 Capacity.

(1) Each Facility shall develop an overcrowding contingency plan. The plan shall address:

(a) ~~The maximum number of youth the facility is capable of housing safely and securely. If the number of youth in a facility is such that the amount of floor space per child is less than 150 square feet (as identified in Rule 63G-2.003, F.A.C.), the facility shall be considered overcrowded. Identification of the maximum number of youth the facility is capable of housing safely and securely.~~

(b) Actions to be taken when the facility reaches the identified maximum capacity, shall include requesting release of youth through the court and transferring youth to other facilities if deemed to be in the best interest of safety and security.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)4. FS. History--New \_\_\_\_\_.

63G-2.009 Bedding and Linens.

(1) All mattresses shall be individually certified as meeting national fire safety performance requirements. Polyurethane mattresses shall be prohibited.

(2) Clean bed linens shall be issued as follows:

(a) All newly admitted youth shall be provided with clean bedding.

(b) ~~Each youth shall be provided two clean sheets and one clean pillowcase weekly that are of a healthcare grade quality. The linens shall have, at a minimum a 130 thread count. One clean blanket shall be provided weekly as requested by a youth that is of a healthcare grade quality. Blankets shall be a woven blend of a minimum of 25% wool. Clean bed linen shall be provided to all youth at least once per week and more often when health reasons dictate.~~

(c) ~~Each youth shall be issued one clean towel and one clean hand cloth daily that are of a healthcare grade quality. Towels shall have a minimum rating of 6.0 pounds per dozen and hand cloths shall have a minimum rating of 3.0 pounds per dozen. Clean blankets shall be provided as seasonally necessary.~~

~~(3) Youth shall receive clean bath towels daily.~~

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)5. FS. History--New \_\_\_\_\_.

63G-2.011 Medical Treatment, Health and Comfort.

(1) Medical:

(a) Each juvenile detention center shall enter into a contract or written agreement with a medical provider(s) selected to provide medical services and to provide a designated health authority for the center.

(b) The department shall ensure that personnel responsible for the care, supervision, and individualized treatment of youth are trained in the specialized areas required to comply with standards established by rule thus giving the department the authority to authorize a designated health authority. Due to the specialized nature of healthcare services and the recognized need for an established relationship with a primary healthcare

provider, each secure detention center must select a licensed physician licensed to serve as the designated health authority for that facility. Written health care policy and procedures shall be approved by the Designated Health Authority.

(c) Youth presented at the detention center for admission shall have been medically screened prior to their arrival at detention. No youth presented to be securely detained shall be accepted for detention if they are in need of emergency medical care, require mental health crisis intervention or are under the influence of any intoxicant.

1. If a youth in crisis is mistakenly accepted for admission into secure detention, the on-duty supervisor shall make the necessary arrangements for the youth to see the facility's medical or mental health staff or shall ensure the youth is transported to a hospital emergency room.

2. The on-duty supervisor shall document the incident and forward the report to the superintendent or designee.

~~(d) Entry screening is a mandatory component of healthcare at a DJJ facility. This shall consist of a routine screening and evaluation for physical and dental health upon a youth's entry into the facility by a Licensed Practical Nurse (LPN) or a Registered Nurse (RN). Facility entry screening shall be performed by trained facility staff or qualified health care personnel on all youth upon arrival at the facility. All youth entering a detention center shall receive the appropriate routine screenings and evaluations. Routine screening and evaluations are those procedures, tests, examinations and assessments that are required by the Department to be provided for each youth. Any urgent medical issue shall be brought to the attention of appropriate medical personnel.~~

~~(e) As part of the entry screening, information regarding the youth's health history will be collected. All youth will receive a Health Related History. Any acute or chronic problem identified will receive ongoing services and monitoring by the medical staff.~~

(f) Youth with known or suspected communicable diseases shall be isolated from the general population until evaluated by the designated health authority or the facility medical staff.

~~(g) Sick call requests shall be reviewed during the shift by the shift supervisor and then submitted to the medical clinic for triaging by the nurse. If there is not a nurse on duty at the time, the shift supervisor shall discuss with the nurse on call or send all emergencies to the nearest hospital. Each juvenile detention center shall have scheduled sick call days to address youth's medical complaints. Sick call request forms shall be reviewed by the shift supervisor during the same shift that they are submitted.~~

(h) Physician or dental orders shall be carried out by qualified health care personnel. All youth shall be furnished such food, medication and other items as prescribed by the responsible physician or dentist.

~~(j) The direct care staff shall be trained by the facility's nurses to administer all classes of medications during the times when the health care personnel are not on duty. Department supervising officers are provided a formalized medication training program, utilizing mandatory competency written and technical performance standards, by a Registered Nurse prior to providing youth assistance with medication administration. Security of all drugs and medical supplies shall be maintained at all times. Medicine prescribed for a youth by a physician or dentist shall be administered in accordance with the physician's or dentist's directions by qualified health care personnel and so noted in the youth's record. For those times when there is no qualified health care personnel to administer medication, staff trained and authorized may administer medication to the youth.~~

~~(k) 24-hour emergency medical care shall be provided. 24-hour emergency medical care means that in the case of a medical emergency, the superintendent has a plan in place such that all youth get immediate attention and are transported to the nearest emergency department per prior agreement between the detention center and the local emergency department. The superintendent shall provide for 24 hour emergency medical care and shall specify these arrangements in a written plan. The superintendent shall obtain a satisfactory arrangement with the nearest available hospital for the admission and services of youth on an emergency basis.~~

~~(l) The superintendent shall have policies and procedures in place in the case of a medical emergency within the facility. All direct care staff or any other personnel, including volunteers, who have direct contact with youth are to be trained and understand that they are to immediately call 911 in a medical emergency. Such training of emergencies might include but not be limited to: recognition of signs, symptoms and action required in potential emergency situations as provided through basic first aid training and cardiopulmonary resuscitation training; signs and symptoms of life threatening mental illnesses, and procedures for patient transfer to appropriate medical facilities or health care providers.~~

~~1. In a situation requiring immediate medical attention, the youth shall be taken to the nearest hospital for emergency care. The Designated Health Authority, the superintendent or assistant superintendent and parents or legal guardian shall be contacted immediately.~~

~~2. First aid kits shall be available in appropriate places. The responsible physician or designee shall approve the contents, number, location and procedure for periodic inspection of the kits.~~

~~3. All staff shall be trained in first aid and cardiopulmonary resuscitation procedures.~~

~~(1)(m) Security regulations applicable to facility support personnel shall also apply to health personnel.~~

~~(m)(n) Appropriate continuous state and federal licensure, certification or registration requirements and restrictions shall apply to personnel who provide health care services to youth. The duties and responsibilities of such personnel shall be governed by the Department manuals and policies. Written verification of current credentials and job descriptions shall be on file in the detention center.~~

~~(n)(o) Medical, pharmaceutical or cosmetic experiments shall not be performed on youth in detention centers.~~

~~(2) Mental Health and Substance Abuse:~~

~~(a) Each juvenile detention center shall enter into a contract or written agreement with a mental health provider(s) to provide mental health, substance abuse, and psychiatric services and to act as the designated mental health authority. The provider shall provide or arrange for mental health and substance abuse services on-site mental health and substance abuse assessments, evaluations, counseling, therapy, crisis intervention and suicide prevention services and have at 24-hour on-call response capability. This provider shall assign a single licensed mental health professional as the designated mental health authority. The provider shall provide mental health and substance abuse services to be delivered by individuals who are licensed mental health professionals, or mental health clinical staff working under the direct supervision of a licensed mental health professional.~~

~~(b) Mental Health and Substance Abuse Screening: The screenings performed on admission to the detention center are standardized instruments. All youth who are delivered to the department are screened for substance abuse and mental health needs during the initial intake process. When the instrument indicates further assessment is needed, or other information obtained at intake/admission suggests potential suicide risk, the youth must be referred for an assessment of suicide risk. Any youth with current suicide ideation must be immediately referred to a mental health clinical staff person who will confer with a licensed mental health professional to determine whether the assessment of suicide risk is to be conducted immediately or within 24 hours. The superintendent shall ensure that youth in the program have access to necessary and appropriate mental health and substance abuse services (on-site and off-site) performed by qualified mental health and substance abuse professionals or service provider(s) licensed in accordance with Florida Statutes.~~

~~(c) There shall be mental health and substance abuse screening upon admission to determine if the youth has any immediate mental health needs. Suicide risk screening shall be conducted upon a youth's admission to the program and/or when a youth that had been on inactive status re-enters the program.~~

(c) The juvenile detention center shall have access to crisis intervention and emergency mental health or substance abuse care. This shall include 24-hour response capability with access to acute care settings and mental health and substance abuse emergency management services.

(d) For those youth on medications, there shall be psychopharmacological therapy and follow-up services, as necessary.

(e) The detention center shall use an alert system to identify youth with special needs. Staff shall give special attention to observing youth in the alert system and as follow-up to logbook entries.

(3) Hygiene:

(a) Youth shall engage in hygiene practices that promote health and well-being.

(b) Youth shall shower daily, participate in routine dental care and otherwise maintain a daily hygiene routine as promoted and endorsed by the designated health authority.

(c) Youth shall be provided the items necessary to allow them to perform proper hygiene.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)7. FS. History--New\_\_\_\_\_.

63G-2.012 Disciplinary Treatment.

(1) Principles:

(a) The behavior of youth and their interaction with supervising officers must contribute to the maintenance of a safe, secure and professional environment.

(b) Youth must understand there are consequences for all behaviors, and it is the responsibility of the supervising officers to consistently communicate this concept.

(c) The behavioral norms and expectations for youth shall be explained to all youth during the admission process, during orientation, and will be posted in all living areas and shall clearly specify what are appropriate and inappropriate behaviors.

(d) Consequences for non-compliant behavior of youth must have a direct association with those behaviors and must be fair, reasonable and equitable.

(e) Consequences for the behavior of youth are outlined in the behavior management system of each facility.

(2) Behavior Management:

(a) A behavior management system will provide clear guidelines and consequences, both positive and negative, for the behavior of youth. It shall be used as a tool to provide rewards for positive socially acceptable behavior and consequences for rule and law violations. The fair and consistent implementation of a behavior management system enhances safety and security as it relates to youth behavior. The behavior management system shall be shared and consistent with related support services, including but not limited to, on site educational, mental health and medical services.

1. Each facility shall implement a behavior management system to meet the needs of the youth and the facility. The system shall be approved by the regional director and shall include rewards for positive behavior.

2. It is the responsibility of the supervising officer(s) to carry out the facility's behavior management system.

(b) Corrective action shall be appropriate for the behavior and shall be fair and equitable.

(c) Group punishment shall not be used as a part of the facility's behavior management plan. However, corrective action taken with a group of youth is appropriate when the behavior of a group jeopardizes safety or security, and this should not be confused with group punishment.

(d) Corporal punishment shall not be used in detention facilities. All allegations of corporal punishment of any youth by facility staff shall be reported to the ~~Florida~~ Florida Central Abuse Hotline, pursuant to Chapter 39, Fla. Stat., and the Central Communications Center.

(e) The use of drugs to control the behavior of youth is prohibited. This does not preclude the proper administration of medication as prescribed by a licensed physician.

(3) Mechanical Restraints:

(a) Mechanical restraints shall be used as a method of controlling youth who present a threat to safety and security within the facility.

(b) Mechanical restraints shall be used when transporting youth outside the secure area of the facility.

(c) Mechanical restraints shall not be used as a means of discipline.

(d) Whenever mechanical restraints are used, a report shall be completed and submitted for review. The only exception is when used to transport youth outside the secure area of the facility.

(4) Confinement:

(a) Confinement is the most restrictive method of behavior management and is designed to ensure security, protect youth, officers and facility staff, and create youth accountability. Confinement may be used to gain immediate control of a situation, to ensure safety and security or to punish a youth for violation of facility rules. Confinement may not be used to harass, embarrass, demean or otherwise abuse a youth. It is the intent of the ~~Department~~ that confinement be used only after all reasonable efforts to work with a youth, through verbal de-escalation, have failed to bring the youth's behavior within the control of officers, or the youth's behavior is so egregious as to give rise to an imminent and significant danger to persons and/or property if the youth is allowed to remain in the general population. The use of confinement shall be monitored closely by the superintendent or designee to ensure appropriateness.

(b) There are conditions that must be maintained that relate to both rooms used for confinement and the supervision of youth in confinement.

1. Confinement room windows and cameras shall be free of obstructions.

2. Any room that possesses potential safety hazards shall not be used for confinement.

3. Rooms used for confinement will be free of any non-fixed items, including, but not limited to, sheets, blankets, mattresses, hygiene items, etc., and shall have been searched prior to the placement of any youth.

4. Youth in confinement shall be afforded living conditions approximating those available to the general population. This includes, but is not limited to: education, showers, meals, clothing, large muscle exercise, bedding (during sleeping hours only) and hygiene items as needed.

5. Youth shall not have contact with the general population while participating in these activities.

(c) Superintendents shall develop procedures for the placement of a youth in confinement. The following outlines the minimal procedural guidelines:

1. Verification of the level of supervision required including the documentation of visual observation. Youth who are at risk of suicide shall be placed on constant sight and sound supervision. Youth on close supervision shall be observed every 5 minutes. Youth on standard supervision shall be observed every 10 minutes. Youth who are determined to be at risk of suicide shall be supervised. The level of supervision will be either close supervision (5-minute checks) or constant sight and sound. Youth on standard supervision must be observed every ten minutes while in confinement.

2. A confinement report shall be submitted within one hour to the on-duty supervisor by the officer making the placement. The confinement report shall include a description of the incident and efforts made by staff to control the youth's behavior.

3. The confinement report shall be reviewed by the on-duty supervisor within two hours of submission to ensure the fair and appropriate use of confinement. The supervisor shall determine the appropriateness of the confinement placement, and if the supervisor determines the placement to be inappropriate, the youth shall immediately be released to the general population. The supervisor shall also review the youth's file to assess any special needs the youth may have that would merit alternatives to room confinement.

4. The on-duty supervisor, following the review of the confinement report, shall evaluate the youth's status, at a minimum, every three hours to determine if the continued confinement of the youth is required. This review shall include supporting documentation.

5. The confinement report shall be submitted by the end of the shift to the superintendent or designee following the removal of a youth from confinement. The superintendent or designee shall review the report within 48 hours excluding weekends and holidays.

(d) The length of time a youth may be placed in confinement is dictated by a number of factors including:

1. Severity of the rule violation;
2. Past disciplinary history;
3. Behavior while in confinement.

(e) On-Duty Supervisor(s) may continue a youth's time in confinement for up to 24 hours. The on-duty supervisor shall document the continued need for confinement every three hours. The superintendent or designee shall approve confinements extended beyond 24 hours, and every 24 hours afterwards, with reasons documented on the confinement report.

(f) The designated mental health professional shall evaluate and document the mental health status of all youth extended in confinement beyond 24 hours and every 24 hours afterwards excluding weekends and holidays.

(g) There are specific rule violations that, due to their severity and impact on safety and security, require mandatory confinement. The following violations require mandatory confinement:

1. A physical attack and/\_or battery by a youth on anyone in the facility;
2. Possession of any contraband that could reasonably be considered a weapon;
3. An escape or an attempt to escape;
4. Any gang related activities that could jeopardize safety or security;
5. Any attempt to resist staff that elevates to "active resistance" as defined in the department's verbal and physical intervention policy;
6. Felony property damage.

(h) The length of time for mandatory confinements shall be as follows:

1. 1st occurrence = 3 days;
2. 2nd occurrence = 4 days;
3. 3rd occurrence = 5 days.

In the event of an actual escape, a youth shall be placed in 5-day confinement upon the youth's his/her return to the facility. Occurrences are cumulative only for a youth's current stay in detention. The superintendent or designee shall review and document the status of youth placed in mandatory confinement every 24 hours. The superintendent may terminate a mandatory confinement at any time at his/\_her discretion. Supervisors shall not be required to document the continued need for confinement but shall check and document the status of youth in mandatory confinement a minimum of two times on each shift.

(j) Confinements shall be communicated to school personnel for appropriate record keeping and tracking of school assignments.

(k) The length of confinement shall not exceed 5 days unless the release of the youth into the general population would jeopardize the safety and security of the facility as documented by the superintendent. No youth shall be held in confinement beyond five days without a confinement hearing that is conducted by a management or supervisory level staff person who is not employed in the detention center where the confinement is occurring. Such hearings shall be conducted under the following procedure:

1. The Superintendent shall complete a confinement hearing report that includes:

- a. A copy of the confinement report and all documented reviews and interviews with the youth;
- b. A statement of the specific rules violated;
- c. A formal statement of the charge;
- d. A description of the facts and circumstances giving rise to the confinement;
- e. The rationale for requesting a youth remain in room confinement;
- f. Staff witnesses;
- g. Disposition of any physical evidence;
- h. Any immediate action taken including the use of force; and
- j. Date and time the report is made.

2. A written copy of the confinement hearing report shall be furnished to the youth to read prior to the hearing. If the youth cannot read, an officer shall read the information to the youth. The youth shall be informed regarding the steps of the confinement hearing process, to include the youth's right to make a statement and to appeal the hearing officer's decision.

3. The superintendent or designee shall notify the youth's parents or guardians who are allowed to be present at the hearing. The attempt and outcome of the contact shall be documented. This shall include any calls or attempted calls made to the telephone numbers listed in JJIS, the youth file or as provided by the youth. A documented reasonable effort will be made to notify the youth's parents or guardians, who are allowed to be present at the hearing.

4. The youth shall be given an opportunity to make a statement and present documentary evidence and to have in attendance any person who has relevant information.

5. The hearing officer shall make one or more of the following findings:

- a. A determination whether the allegation is founded.
- b. A determination that the original decision to place the youth in confinement was warranted or unwarranted.
- c. A determination that the circumstances of the incident(s) warrant a request for charges to be filed.

d. A finding as to whether the youth continues to present a clear and present danger to others. In such a case, the hearing officer is authorized to continue the youth in confinement for an additional period of time as the officer may determine appropriate.

e. If the hearing officer finds that the youth does not continue to present a clear and present danger to others, the youth shall be returned to the general population.

6. Following any hearing in which a finding is reached that a youth will be continued in confinement, the hearing officer shall request that a mental health assessment be completed by a qualified mental health professional within 12 hours of the hearing. The mental health professional shall complete a report making recommendations to the hearing officer for the disposition of the youth that may include, but are not limited to, the following.

- a. Continuation in room confinement for a specified period of time.
- b. The filing of a Baker Act petition.
- c. Returning the youth to the general population under conditions prescribed by the licensed mental health professional.
- d. Referral for psychiatric evaluation and treatment.

7. If the hearing officer disagrees with any of the recommendations made by the mental health professional, the reasons for such disagreement shall be documented and forwarded to the regional mental health liaison. All evidence and circumstances considered in arriving at a dispositional decision shall be fully explained in the hearing record.

8. A copy of the hearing record shall be distributed to the regional director ~~for detention~~ and the Assistant Secretary for Detention.

9. The superintendent shall ensure the youth is notified of his/her right to appeal. A youth may appeal the hearing officer's decision to the regional director or to his or her designee. The regional director shall rule on all such appeals within 48 hours.

10. A copy of the hearing record of all cases in which it is found that the original decision to place a youth in room confinement was unwarranted will be sent to the regional director and kept in a separate facility file.

(l) The superintendent or designee shall develop a system for tracking confinement and documenting the appropriateness of its use. The superintendent or designee, to ensure the fair and proper use of confinement, shall review all confinement reports. The superintendent or designee shall review the overall use of confinement monthly to determine any patterns of misuse. A corrective action plan shall be implemented and forwarded to the regional director for review should misuse be determined.

(m) The regional director ~~Designated management~~ shall review the use of confinement quarterly.

Specific Authority 985.404(10)(b) FS. Law Implemented 985.404(10)(b)8. FS. History--New \_\_\_\_\_.

**DEPARTMENT OF JUVENILE JUSTICE**

**Medical Services**

RULE CHAPTER NO.: RULE CHAPTER TITLE:  
 63M-1 Human Immunodeficiency Virus (HIV)  
 RULE NOS.: RULE TITLES:  
 63M-1.001 Testing  
 63M-1.002 Confidentiality

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced proposed rule provisions, as noticed in Vol. 32, No. 12, of the Florida Administrative Weekly on March 24, 2006, have been withdrawn.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Clyde Benedix, Policy Development Officer, Department of Juvenile Justice, Office of Administration, 2737 Centerview Drive, Ste. 312, Tallahassee, FL 32399-3100

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: RULE TITLE:  
 64B1-3.001 Definitions

**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. 18, of the May 5, 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 June 23, 2006, voted to make changes to the rule to address the JAPC concerns.

Rule 64B1-3.001(6) – Subsection (6) should be deleted as follows:

~~(6) Acupuncture physician means any person certified as provided in this chapter to practice acupuncture as a primary health care provider.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Acupuncture, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

**DEPARTMENT OF HEALTH**

**Board of Acupuncture**

RULE NO.: RULE TITLE:  
 64B1-9.005 Definitions

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 18, May 5, 2006, Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:  
 64B10-16.001 General Information

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn.

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

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: RULE TITLE:  
 64B10-16.002 Preceptor

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 31, No. 20, of the Florida Administrative Weekly on May 20, 2005, has been withdrawn.

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

**Section IV  
 Emergency Rules**

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

RULE NO.: RULE TITLE:  
 12AER06-5 Sales of Books, Clothing and School Supplies during the Period July 22 through July 30, 2006

SPECIFIC FACTS AND REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY, OR WELFARE: Section 1, Chapter 2006-63, Laws of Florida, authorizes the Department of Revenue to promulgate emergency rules to implement the provisions of the law specifying a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. The promulgation of this emergency rule ensures that the public is notified in the most expedient and appropriate means regarding the exemption during the period from 12:01 a.m., July 22, 2006, through midnight, July 30, 2006, for sales of books, clothing, wallets, or bags having a selling price of \$50

or less per item and for sales of school supplies having a selling price of \$10 per item or less. The exemption does not apply to sales within a theme park or entertainment complex as defined in Section 509.013(9), F.S., or within a public lodging establishment as defined in Section 509.013(4), F.S., or within an airport as defined in Section 330.27(2), F.S. The rule defines "clothing," "books," "school supplies," "theme park or entertainment complex," "public lodging establishment," "airport" and "mail order sales." The rule describes the items that are included in the exemption and explains how various transactions are to be handled for purposes of the exemption, including sales of sets of both exempt and taxable items, items normally sold as a unit, mail order sales, shipping and handling charges, layaway sales, rain checks, exchanges, refunds, coupons, rebates, and discounts, repairs and alterations, gift certificates, rentals of clothing, reporting requirements, documentation to be maintained, and merchant's license fees. The rule provides a list of items and their taxable status during the exemption period for clothing, school supplies, and books. REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: The Legislature expressly authorized the promulgation of an emergency rule to administer the provisions of Section 1, Chapter 2006-63, Laws of Florida, which specify a period during which the sale of certain books, clothing, and school supplies are exempt from sales and use tax. Additionally, an emergency rule is the most expedient and appropriate means of notifying dealers and taxpayers of the provisions of Section 1, Chapter 2006-63, Laws of Florida.

SUMMARY OF THE RULE: Emergency Rule 12AER06-5 notifies the general public and retailers of the exemption during the period from 12:01 a.m., July 22, 2006, through midnight, July 30, 2006, for sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item and for sales of school supplies having a selling price of \$10 per item or less.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Alan Fulton, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)488-8026

THE FULL TEXT OF THE EMERGENCY RULE IS:

12AER06-5 Sales of Books, Clothing and School Supplies during the Period July 22 through July 30, 2006.

(1) Exempt Clothing and Book Sales.

(a) Beginning at 12:01 a.m. on July 22, 2006, and ending at midnight on July 30, 2006 (the exemption period), no tax is due on the sale or purchase of any book, article of clothing, wallet, or bag, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, with a selling price of \$50.00 or less. This

exemption does not apply to sales of books, clothing, wallets, or bags within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible book, item of clothing, wallet, or bag, selling for \$50.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases two shirts for \$40.00 each. Both items will qualify for the exemption, even though the customer's total purchase price (\$80.00) exceeds \$50.00.

(c)1. The exemption does not apply to the first \$50.00 of price of an eligible book, item of clothing, wallets, or bags, selling for more than \$50.00.

2. Example: A customer purchases a pair of pants costing \$70.00. Tax is due on the entire \$70.00.

(2) Exempt Sales of School Supplies.

(a) Beginning at 12:01 a.m. on July 22, 2006, and ending at midnight on July 30, 2006 (the exemption period), no tax is due on the sale or purchase of any item of school supplies with a selling price of \$10.00 or less. This exemption does not apply to sales of school supplies within a theme park, entertainment complex, public lodging establishment, or airport.

(b)1. The sales tax exemption applies to each eligible item of school supplies selling for \$10.00 or less. The exemption applies regardless of how many items are sold on the same invoice to a customer.

2. Example: A customer purchases five composition books for \$2.50 each. All five items will qualify for the exemption, even though the customer's total purchase price (\$12.50) exceeds \$10.00.

(c)1. The exemption does not apply to the first \$10.00 of price of an eligible item of school supplies selling for more than \$10.00.

2. Example: A customer purchases a calculator costing \$18.00. Tax is due on the entire \$18.00.

(3) Definitions.

(a) "Clothing" means any article of wearing apparel, including all footwear, except skis, swim fins, in-line skates, and other skates, intended to be worn on or about the human body. "Clothing" does not include watches, watchbands, jewelry, umbrellas, or handkerchiefs.

(b) "Book" means a set of printed sheets bound together and published in a volume. The term "book" does not include newspapers, magazines, or other periodicals, or audio books. Books are different from periodicals in that books, in addition to the above, are also generally identified with an International System Book Numbering (ISBN) number, while periodicals are dated and generally have an issue number, but not an ISBN number.

(c) "School supplies" means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, protractors, compasses, and calculators.



(d) “Theme park or entertainment complex” means a complex comprised of at least 25 contiguous acres owned and controlled by the same business entity and which contains permanent exhibitions and a variety of recreational activities and has a minimum of 1 million visitors annually.

(e)1. “Public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings, which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. License classifications of public lodging establishments, and the definitions therefor, are set out in Section 509.242, F.S. For the purpose of licensure, the term does not include condominium common elements as defined in Section 718.103, F.S.

2. The following are excluded from the definition in subparagraph 1.:

a. Any dormitory or other living or sleeping facility maintained by a public or private school, college, or university for the use of students, faculty, or visitors;

b. Any hospital, nursing home, sanitarium, assisted living facility, or other similar place;

c. Any place renting four rental units or less, unless the rental units are advertised or held out to the public to be places that are regularly rented to transients;

d. Any unit or group of units in a condominium, cooperative, or timeshare plan and any individually or collectively owned one-family, two-family, three-family, or four-family dwelling house or dwelling unit that is rented for periods of at least 30 days or 1 calendar month, whichever is less, and that is not advertised or held out to the public as a place regularly rented for periods of less than 1 calendar month, provided that no more than four rental units within a single complex of buildings are available for rent;

e. Any migrant labor camp or residential migrant housing permitted by the Department of Health, under Sections 381.008-381.00895, F.S.; and

f. Any establishment inspected by the Department of Health and regulated by Chapter 513, F.S.

(f) “Airport” means any area of land or water, or any man-made object or facility located thereon, which is used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

(g) “Mail order sale” is a sale of tangible personal property, ordered by mail or other means of communication, from a dealer who receives the order in another state of the United States, or in a commonwealth, territory, or other area under the jurisdiction of the United States, and transports the property or causes the property to be transported, whether or

not by mail, from any jurisdiction of the United States, including this state, to a person in this state, including the person who ordered the property.

(4) Sales of Sets Containing Both Exempt and Taxable Items.

(a) When exempt items are normally sold together with taxable merchandise as a set or single unit, the full price is subject to sales tax.

(b) Example: A gift set consisting of a wallet and key chain is sold for a single price of \$35.00. Although the wallet would otherwise be exempt during the exemption period, the full price of the gift set is taxable because the key chain is taxable.

(c) Example: A desk set consisting of a stapler and a pair of scissors is sold for a single price of \$9.95. Although the scissors would otherwise be exempt during the exemption period, the full price of the desk set is taxable because the stapler is taxable.

(5) Articles Normally Sold as a Unit.

(a) Articles that are normally sold as a unit must continue to be sold in that manner; they cannot be separately stated and sold as individual items in order to obtain the exemption.

(b) Example: A pair of shoes normally sells for \$80.00. The pair cannot be split in order to sell each shoe for \$40.00 to qualify for the exemption.

(c) Example: A suit is normally priced at \$125.00 on a single price tag. The suit cannot be split into separate articles so that any of the components may be sold for \$50.00 or less in order to qualify for the exemption. However, components that are normally priced as separate articles may continue to be sold as separate articles and qualify for the exemption if the price of an article is \$50.00 or less.

(d) Example: A pen and pencil set is normally priced at \$18.00 on a single price tag. The set cannot be split into separate articles so that either of the components may be sold for \$10.00 or less in order to qualify for the exemption.

(e) Example: A set of five books normally sells for \$199.95 on a single set price. The set cannot be split into separate articles so that each book sells for \$50.00 or less.

(6) Buy One, Get One Free or for a Reduced Price.

(a) The total price of items advertised as “buy one, get one free,” or “buy one, get one for a reduced price,” cannot be averaged in order for both items to qualify for the exemption.

(b) Example: A retailer advertises pants as “buy one, get one free.” The first pair of pants is priced at \$70.00; the second pair of pants is free. Tax is due on \$70.00. The store cannot sell each pair of pants for \$35.00 in order for the items to qualify for the exemption. However, the retailer may advertise and sell the items for 50% off, selling each pair of \$70.00 pants for \$35.00, making each pair eligible for the exemption.

(c) Example: A retailer advertises shoes as “buy one pair at the regular price, get a second pair for half price.” The first pair of shoes is sold for \$60.00; the second pair is sold for

\$30.00 (half price). Tax is due on the \$60.00 shoes, but not on the \$30.00 shoes. The store cannot sell each pair of shoes for \$45.00 in order for the items to qualify for the exemption. However, a retailer may advertise the pairs for 25% off, thereby selling each pair of \$60.00 shoes for \$45.00, making each pair eligible for the exemption.

(7) Mail Order Sales.

(a) For purposes of this exemption, eligible items purchased by mail order, including sales transactions over the Internet, will receive the exemption if the order is accepted by the mail order company during the exemption period for immediate shipment. When the acceptance of the order by the mail order company occurs during the exemption period, the exemption will apply even if delivery is made after the exemption period.

(b) An order is accepted by the mail order company when it has taken an action to fill the order for immediate shipment. Actions to fill an order include, but are not limited to, placing an "in date" stamp on a mail order or assigning an "order number" to a telephone order.

(c) An order is for immediate shipment when delayed shipment is not requested by the customer. An order is for immediate shipment notwithstanding that the shipment may be delayed because of a backlog of orders or because stock is currently unavailable to, or on back order by, the company.

(8) Shipping and Handling Charges.

(a) Shipping and handling charges are included as part of the sales price of the eligible item, whether or not separately stated. If multiple items are shipped on a single invoice, to determine if any items qualify for the exemption, the shipping and handling charge must be proportionately allocated to each item ordered, and separately identified on the invoice.

(b) Example 1: A customer orders a jacket for \$50.00. The shipping charge to deliver the jacket to the customer is \$5.00. The selling price of the jacket is \$55.00. Tax is due on the full selling price.

(c) Example 2. A customer orders a suit for \$300.00 and a shirt for \$40.00. The transportation charge to deliver the items is \$15.00. The \$15.00 transportation charge must be proportionately and separately allocated between the items:  $300 / 340 = 88\%$ , therefore, 88% of the \$15.00 shipping charge, or \$13.20, must be allocated to the suit, and separately identified on the invoice as such. The remaining 12% of the \$15.00 shipping charge, or \$1.80, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$40.00 plus \$1.80, totaling \$41.80, and therefore qualifying for the exemption.

<u>Suit</u>	<u>\$300.00</u>
<u>Shipping for suit</u>	<u>13.20</u>
<u>Shirt</u>	<u>40.00</u>
<u>Shipping For shirt</u>	<u>1.80</u>

(d) Example 3. A customer orders a suit for \$300.00 and a shirt for \$45.00. The transportation charge to deliver the items is \$50.00. The \$50.00 transportation charge must be proportionately and separately allocated between the items:  $300 / 345 = 87\%$ . Therefore, 87% of the \$50.00 shipping charge, or \$43.50, must be allocated to the suit, and separately identified on the invoice as such. The remaining 13% of the \$50.00 shipping charge, or \$6.50, must be allocated to the shirt, and separately identified on the invoice as such. The selling price of the shirt is \$45.00 plus \$6.50, totaling \$51.50; since the selling price of the shirt exceeds \$50.00, the purchase of the shirt is taxable.

<u>Suit</u>	<u>\$300.00</u>
<u>Shipping for suit</u>	<u>43.50</u>
<u>Shirt</u>	<u>45.00</u>
<u>Shipping for shirt</u>	<u>6.50</u>

(9) Layaway Sales. A layaway sale is a transaction in which merchandise is set aside for future delivery to a customer who makes a deposit, agrees to pay the balance of the purchase price over a period of time, and, at the end of the payment period, receives the merchandise. For purposes of this exemption, eligible items will qualify for the exemption if a retailer and a customer enter into a contract for a layaway sale during the exemption period, the customer makes the usual deposit in accordance with the retailer's layaway policy, and the merchandise is segregated from the retailer's inventory. Also, if final payment on a layaway order is made by, and the merchandise is given to, the customer during the exemption period, that sale of eligible items will qualify for the exemption.

(10) Rain Checks. Eligible items purchased during the exemption period using a rain check will qualify for the exemption regardless of when the rain check was issued. However, issuance of a rain check during the exemption period will not qualify eligible items for the exemption if the item is actually purchased after the exemption period.

(11) Exchanges.

(a) If a customer purchases an eligible item during the exemption period, then later exchanges the item for the same item (different size, different color, etc.), no additional tax will be due even if the exchange is made after the exemption period.

(b) If a customer purchases an eligible item during the exemption period, then later returns the item and receives credit on the purchase of a different item, the appropriate sales tax will apply to the sale of the newly purchased item.

(c) Examples:

1. During the exemption period, a customer purchases a \$50.00 dress that qualifies for the exemption. Later, during the exemption period, the customer exchanges the \$50.00 dress for a \$75.00 dress. Tax is due on the \$75.00 dress. The \$50.00 credit from the returned item cannot be used to reduce the sales price of the \$75.00 item to \$25.00 for exemption purposes.

2. A customer purchases a \$35.00 shirt during the exemption period. After the exemption period, the customer exchanges the shirt for a \$35.00 jacket. Since the jacket was not purchased during the exemption period, tax is due on the \$35.00 price of the jacket.

3. A customer purchases notebook filler paper for \$3.95 during the exemption period. Later during the exemption period, the customer exchanges the notebook filler paper for note pads costing the same amount. Tax is due on the note pads, because they are not eligible for the exemption.

#### (12) Refunds.

(a) A customer who pays tax to a dealer on an eligible item when no tax is due must secure a refund of the tax from the dealer and not from the Department of Revenue.

(b) For the period July 22, 2006, through September 30, 2006, when a customer returns an item that would qualify for the exemption, no refund of tax shall be given unless the customer provides a receipt or invoice showing tax was paid, or the retailer has sufficient documentation to show that tax was paid on the specific item.

#### (13) Coupons, Rebates, and Discounts.

(a)1. Manufacturer's coupons. Manufacturer's coupons do not reduce the sales price of an item. Therefore, a manufacturer's coupon cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A jacket sells for \$55.00. The customer has a \$10.00 manufacturer's coupon good for the purchase of the jacket. The manufacturer's coupon does not reduce the sales price of the jacket. Tax is due on \$55.00 even though the customer only pays the retailer \$45.00 for the jacket.

(b)1. Store coupons and discounts. Store coupons and discounts reduce the sales price of an item. Therefore, a store coupon or discount can be used to reduce the sales price of an item to \$50.00 or less, or of a school supply item to \$10.00 or less, in order to qualify for the exemption.

2. Example: A customer buys a \$400.00 suit and a \$55.00 shirt. The retailer is offering a 10 percent discount. After applying the 10 percent discount, the final sales price of the suit is \$360.00, and the sales price of the shirt is \$49.50. The suit is taxable (its price is over \$50.00) and the shirt is exempt (its price is less than \$50.00).

(c)1. Rebates. Rebates occur after the sale and do not affect the sales price of an item purchased.

2. Example: A jacket sells for \$55.00. The customer receives a \$10.00 rebate from the manufacturer. The rebate occurs after the sale, so it does not reduce the sales price of the jacket. Tax is due on \$55.00.

#### (14) Repairs and Alterations to Eligible Items.

(a) Repairs to eligible items do not qualify for the exemption.

(b)1. Alterations to clothing or footwear do not qualify for the exemption, even though alterations may be sold, invoiced, and paid for at the same time as the item to be altered.

2. Example: A customer purchases a pair of pants for \$49.00, and pays \$5.00 to the retailer to have the pants cuffed. The \$49.00 charge for the pants is exempt; however, tax is due on the \$5.00 alteration charge.

#### (15) Gift Certificates.

(a) Eligible items purchased during the exemption period using a gift certificate will qualify for the exemption, regardless of when the gift certificate was purchased. Eligible items purchased after the exemption period using a gift certificate are taxable even if the gift certificate was purchased during the exemption period. A gift certificate cannot be used to reduce the selling price of a book or an item of clothing to \$50.00 or less, or of a school supply item to \$10.00 or less, in order for the item to qualify for the exemption.

(b) Example: A customer purchases a dress priced at \$90.00 and uses a \$50.00 gift certificate. Tax is due on \$90.00. The gift certificate does not reduce the selling price to \$40.00 for purposes of the exemption.

(16) Rentals. Rentals of books, clothing or footwear do not qualify for the exemption.

(17) Reporting. No special reporting procedures are necessary to report exempt sales made during the exemption period. Sales should be reported as currently required by law.

(18) Record Retention and Documentation. No special record keeping requirements are necessary. Records should be maintained as currently required by law.

(19) License Fees or other Fees Imposed by Panama City and Panama City Beach.

(a) The cities of Panama City and Panama City Beach impose upon retailers a Merchant's License Tax or similar gross receipts tax or fee, which may be passed on to the customer. The Merchant's License Tax is included in the sales price of each item, whether or not the tax is separately stated on the invoice.

(b) Example: A jacket sells for \$49.95. The separately stated 1% gross receipts fee for this item is \$0.50. Since the gross receipts fee is part of the sales price of the item (\$50.45), the jacket will not qualify for the exemption.

(20) List of Items of Clothing and their Taxable Status during the Exemption Period. The following is a list of items of clothing and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- A
- T Accessories (generally)
- E Barrettes and bobby pins
- E Belt buckles
- E Bow ties
- E Hair nets, bows, clips, and bands

- E Handbags
- T Handkerchiefs
- T Jewelry
- T Key cases
- E Neckwear
- E Ponytail holders
- E Scarves
- E Ties
- E Wallets
- T Watch bands
- T Watches
- E Aerobic clothing
- E Antique clothing
- E Aprons/Clothing shields
- T Athletic gloves
- T Athletic pads
- E Athletic supporters
  
- B
- E Baby clothes
- E Backpacks
- E Bandanas
- E Baseball cleats
- E Bathing suits, caps, and cover-ups
- E Belt buckles
- E Belts
- T Belts for weightlifting
- E Bibs
- E Blouses
- E Book bags
- E Boots (except ski boots)
- E Bowling shoes (sold)
- T Bowling shoes (rented)
- E Bow ties
- E \*Braces and supports worn to correct or alleviate a physical incapacity or injury
- E Bras
- T Briefcases
  
- C
- E Caps and hats
- T Checkbook covers (separate from wallets)
- T Chest protectors
- E \*Choir and altar clothing
- E Cleated or spiked shoes
- E \*Clerical vestments
- T Cloth and lace, knitting yarns, and other fabrics
- T Clothing repair items, such as thread, buttons, tapes, iron-on patches, zippers
- E Coats and wraps
  
- E Coin purses
- T Corsages and boutonnieres
- E Corsets and corset laces
- T Cosmetic bags
- E Costumes (unless rented)
- E Coveralls
- T Crib blankets
- T Cufflinks
  
- D
- E Diaper bags
- E Diapers, diaper inserts (adult and baby, cloth or disposable)
- T Diving suits
- E Dresses
- T Duffel bags
  
- E
- T Elbow pads
- E Employee uniforms
  
- F
- E Fanny packs
- T Fins
- T Fishing boots (waders)
- E Fishing vests (nonflotation)
- T Football pads
- E Formal clothing (unless rented)
  
- G
- T Garment bags
- E Garters and garter belts
- E Girdles, bras, and corsets
- E Gloves (generally)
- T Baseball
- T Batting
- T Bicycle
- E Dress (unless rented)
- E Garden
- T Golf
- T Hockey
- E Leather
- T Rubber
- T Surgical
- T Tennis
- E Work
- T Goggles (except \*prescription)
- E Graduation caps and gowns
- E Gym suits and uniforms

<u>H</u>		<u>E</u>	<u>Receiving blankets</u>
<u>E</u>	<u>Hair nets, bows, clips, and bands</u>	<u>E</u>	<u>*Religious clothing</u>
<u>E</u>	<u>Handbags</u>	<u>T</u>	<u>Rented clothing (including uniforms, formal wear, and costumes)</u>
<u>T</u>	<u>Handkerchiefs</u>	<u>T</u>	<u>Repair of wearing apparel</u>
<u>T</u>	<u>Hard hats</u>	<u>E</u>	<u>Robes</u>
<u>E</u>	<u>Hats</u>	<u>T</u>	<u>Roller blades</u>
<u>T</u>	<u>Helmets (bike, baseball, football, hockey, motorcycle, sports)</u>	<u>T</u>	<u>Roller skates</u>
<u>E</u>	<u>Hosiery, including support hosiery</u>	<u>E</u>	<u>Rubber shoes</u>
<u>E</u>	<u>Hunting vests</u>		
		<u>S</u>	
<u>I-J</u>		<u>E</u>	<u>Safety clothing</u>
<u>T</u>	<u>Ice skates</u>	<u>T</u>	<u>Safety glasses (except *prescription)</u>
<u>T</u>	<u>In-line skates</u>	<u>E</u>	<u>Safety shoes</u>
<u>E</u>	<u>Insoles</u>	<u>E</u>	<u>Scarves</u>
<u>E</u>	<u>Jackets</u>	<u>E</u>	<u>Scout uniforms</u>
<u>E</u>	<u>Jeans</u>	<u>T</u>	<u>Shaving kits/bags</u>
<u>T</u>	<u>Jewelry</u>	<u>E</u>	<u>Shawls and wraps</u>
		<u>T</u>	<u>Shin guards and padding</u>
<u>K</u>		<u>E</u>	<u>Shirts</u>
<u>T</u>	<u>Key chains</u>	<u>E</u>	<u>Shoe inserts</u>
<u>T</u>	<u>Knee pads</u>	<u>E</u>	<u>Shoes (including athletic)</u>
		<u>E</u>	<u>Shoulder pads (for dresses, jackets, etc.)</u>
<u>L</u>		<u>T</u>	<u>Shoulder pads (football, hockey, sports)</u>
<u>E</u>	<u>Lab coats</u>	<u>E</u>	<u>Shorts</u>
<u>E</u>	<u>Leg warmers</u>	<u>T</u>	<u>Skates (ice, in-line, roller)</u>
<u>E</u>	<u>Leotards and tights</u>	<u>T</u>	<u>Ski boots (snow)</u>
<u>T</u>	<u>Life jackets and vests</u>	<u>T</u>	<u>Ski vests (water)</u>
<u>E</u>	<u>Lingerie</u>	<u>E</u>	<u>Ski suits (snow)</u>
<u>T</u>	<u>Luggage</u>	<u>T</u>	<u>Skin diving suits</u>
		<u>E</u>	<u>Skirts</u>
<u>M - N</u>		<u>E</u>	<u>Sleepwear, nightgowns, pajamas</u>
<u>T</u>	<u>Make-up bags</u>	<u>E</u>	<u>Slippers</u>
<u>E</u>	<u>Martial arts attire</u>	<u>E</u>	<u>Slips</u>
<u>E</u>	<u>Neckwear and ties</u>	<u>E</u>	<u>Socks</u>
		<u>T</u>	<u>Sports helmets</u>
<u>O-P</u>		<u>T</u>	<u>Sports pads (football, hockey, soccer, knee, elbow, shoulder)</u>
<u>E</u>	<u>Overshoes</u>	<u>E</u>	<u>Sports uniforms (except pads, helmets)</u>
<u>T</u>	<u>Pads (football, hockey, soccer, elbow, knee, shoulder)</u>	<u>T</u>	<u>Suitcases</u>
<u>T</u>	<u>Paint or dust masks</u>	<u>E</u>	<u>Suits, slacks, and jackets</u>
<u>E</u>	<u>Pants</u>	<u>T</u>	<u>Sunglasses (except *prescription)</u>
<u>E</u>	<u>Panty hose</u>	<u>E</u>	<u>Suspenders</u>
<u>T</u>	<u>Patterns</u>	<u>E</u>	<u>Sweatbands</u>
<u>E</u>	<u>Ponchos</u>	<u>E</u>	<u>Sweaters</u>
<u>T</u>	<u>Protective masks (athletic)</u>	<u>T</u>	<u>Swimming masks</u>
<u>E</u>	<u>Purses</u>	<u>E</u>	<u>Swim suits and trunks</u>
<u>R</u>		<u>T</u>	
<u>E</u>	<u>Raincoats, rainhats, and ponchos</u>	<u>E</u>	<u>Ties (neckties – all)</u>

- E Tights
- E Tuxedos, excluding cufflinks and rentals
  
- U
- T Umbrellas
- E Underclothes
- E Uniforms (work, school, and athletic - excluding pads)

V-W

- E Vests
- E Wallets
- T Watchbands
- T Water ski vests
- T Weight lifting belts
- T Wet and dry diving suits
- T Wigs, toupees, and chignons
- E Work clothes and uniforms

\*These items are always exempt as prosthetic or orthopedic appliances, or due to another specific exemption.

(21) List of School Supplies and their Taxable Status during the Exemption Period. The following is a list of school supplies and their taxable status during the exemption period if they are sold for \$10.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Binders
- E Calculators
- E Cellophane (transparent) tape
- E Colored pencils
- E Compasses
- E Composition books
- E Computer disks (floppies and blank CDs)
- T Computer paper
- T Construction paper
- T Correction tape, fluid, or pens
- E Crayons
- E Erasers
- E Glue (stick & liquid)
- T Highlighters
- E Legal pads
- T Markers
- T Masking tape
- E Notebook filler paper
- E Notebooks
- E Paste
- E Pencils, including mechanical and refills
- E Pens, including felt, ballpoint, and fountain, and refills, but not highlighters or markers
- T Poster board
- E Poster paper

- T Printer paper
- E Protractors
- E Rulers
- E Scissors
- T Staplers
- T Staples

(22) List of Books and their Taxable Status during the Exemption Period. The following is a list of books and their taxable status during the exemption period if they are sold for \$50.00 or less. This is not an inclusive list. T = Taxable, E = Exempt.

- T Audio books
- E Bibles\*
- T Books with no publisher
- E Books with a publisher
- E Children's books (published)
- E Foreign and old books (even without ISBN number)
- T Greeting cards
- E Instruction manuals (bound and published)
- T Magazines\*
- T Movies
- E Music books
- T Newspapers\*
- T Periodicals
- E Textbooks (published)

\*Subscriptions to newspapers and magazines that are delivered by mail remain exempt from tax. Bibles are always exempt. This rule shall take effect on July 10, 2006.

Specific Authority 212.17(6), 212.18(2), 213.06(1), (2) FS, Section 1, Chapter 2006-63, L.O.F. Law Implemented 95.091, 212.02(16), 212.05, 212.0596, 212.06, 212.13, 213.35, 215.26(1), 330.27(2), 509.013(4), (9) FS., Section 1, Chapter 2006-63, L.O.F. History--New 7-10-06.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE ARE SPECIFIED IN THIS RULE.  
EFFECTIVE DATE: July 10, 2006

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

**Hurricane Housing Recovery (HHR) Program**

RULE NOS.:	RULE TITLES:
67ER06-42	General
67ER06-43	Definitions
67ER06-44	Hurricane Housing Recovery Assistance Plans and Distribution of Funds
67ER06-45	Uses of and Restrictions Upon HHR Program Funds
67ER06-46	Hurricane Housing Recovery Program Trust Fund
67ER06-47	Annual Reports
67ER06-48	Compliance Monitoring for Housing Developed With HHR Program Funds

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor’s Hurricane Housing Work Group, the Hurricane Housing Recovery program, hereafter referred to as the HHR program, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided for eligible entities to implement a hurricane housing recovery assistance plan that may include grants and loans for homeownership and rental activities, including activities related to manufactured housing.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Corporation has been granted emergency rulemaking authority under Section 31, Chapter 2006-69, L.O.F., formerly House Bill 1363. The HHR rules shall be effective immediately upon filing with the Florida Department of State and said rules are exempt from Section 120.54(4)(c), Florida Statutes.

**SUMMARY OF THE RULE:** The rule provides the strategy by which HHR program funds shall be utilized by eligible entities for affordable housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER05-1 through 7 which expired December 27, 2005 and Emergency Rules 67ER05-26 through 67ER05-32 which will expire June 25, 2006.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Robert Dearduff, HHR Program Administrator, 227 North Bronough St., Suite 5000, Tallahassee, FL, 32301 or call (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULES IS:

67ER06-42 General.

This rule chapter is established to administer the implementation of the Hurricane Housing Recovery Program (HHRP). For the purposes of this rule chapter, all provisions in Chapter 67-37, F.A.C., and Sections 420.907-9079, F.S., are applicable except where described in the chapter herein.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History–New 6-23-06.

67ER06-43 Definitions.

(1) “Administrative Expenditures” means expenditures directly related to the implementation of the HHR funds as set forth in paragraphs 67-37.007(4)(a),(b), (c), (d), F.A.C.

(2) “Extremely low income household” or “ELI” means one or more natural persons or a family that has a total annual gross household income that does not exceed 30 percent of the area median income adjusted for family size for households within the metropolitan statistical area, the county, or the non-metropolitan median for the state, whichever is greatest.

(3) “Hurricane Housing Recovery Program” or “HHR” means the Hurricane Housing Recovery Program as recommended by the Hurricane Housing Work Group dated February, 2005.

(4) “Manufactured Home” is as defined in Section 320.01(2)(b), F.S.

(5) “Mobile Home” is as defined in Section 320.01(2)(a), F.S.

(6) “Hurricane Housing Assistance Plan” or “HHAP” means a detailed description of the planned activities to be undertaken by an eligible county and eligible municipalities and as set forth in Rule 67-37.005, F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History–New 6-23-06.

67ER06-44 Hurricane Housing Assistance Plans and Distribution of Funds.

(1) To receive HHR program funding, an eligible county or eligible municipality must submit its Hurricane Housing Assistance Plan to and receive approval from the Corporation pursuant to Rule 67-37.005, F.A.C. Plans must be submitted to the Corporation by August 1, 2005. A local government may submit a written request to the Corporation to extend the deadline up to 45 days. No HHR program funds shall be distributed to any eligible county or eligible municipality unless and until an approved plan is in place.

(2) The effective period of the Hurricane Housing Assistance Plan is three years plus a one year extension which requires approval by Florida Housing Finance Corporation HHR Program Administrator as set forth in subparagraph 67-37.005(6)(f)2., F.A.C.

(3) Each Hurricane Housing Assistance Plan shall include a description of all activities to be undertaken in the HHR program. An eligible county or eligible municipality shall use the Hurricane Housing Assistance Plan Template in order to submit its HHAP. The Hurricane Housing Assistance Plan Template (07/05) is adopted and incorporated by reference with an effective date of 7/1/05. A copy of the Hurricane Housing Assistance Plan Template (07/05) may be obtained at <http://www.floridahousing.org/Home/Disaster/HurricaneHousingRecoveryProgram.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(4) For each use of HHR program funds, the eligible county or municipality shall provide information as required in paragraphs 67-37.005(5)(a), (b), (c), (d) and (e), F.A.C. The county or eligible municipality or its administrative representative shall advertise the notice of funding availability in a newspaper of general circulation and periodicals serving ethnic and diverse neighborhoods.

(5) A copy of the Hurricane Housing Assistance Plan shall be submitted to the Corporation, via U.S. Mail or electronic submission. If submitted electronically, a mailed copy shall be sent to the Corporation within three working days of the strategy being electronically transmitted. The mailed copy submitted to the Corporation shall bear the original signature of an authorized official or an authorized official's designee.

(6) Once the HHAP is approved, an eligible county or eligible municipalities shall be eligible to draw funds for activities included in the approved strategies in the HHAP. The request for funds shall be submitted in writing and include the following information: Name of local government, amount of funds requested from the base allocation, ELI supplemental allocation and the community planning supplemental allocation as referenced in subsections 67ER06-4(3), (4) and (5), F.A.C., and a schedule of when the funds being requested are to be expended. Upon approval of the plan, each eligible county or eligible municipality as set forth in Section 420.9071(11), F.A.C., shall be eligible to request an initial amount not to exceed \$100,000 to establish a balance in the HHRP account and begin to fund expenses incurred including Administrative Expenditures. The initial request shall include all information required above in addition to the HHRP account information.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 6-23-06.

67ER06-45 Uses of and Restrictions Upon HHR Program Funds.

(1) HHR program funds shall be used to implement the Hurricane Housing Assistance Plan. The benefit of assistance provided through the HHR program must accrue to eligible persons occupying eligible housing. HHR program funds may be used for:

(a) Repair and replacement of site built housing;

(b) Land acquisition, through community land trusts or other means, for properties that may include scattered sites, community revitalization sites, and older manufactured home parks;

(c) Construction and development financing;

(d) Down payment, closing cost, and purchase price assistance for site-built and post-1994 Manufactured Homes where the wind load rating is sufficient for the location;

(e) Repair, replacement, and relocation assistance for post-1994 Manufactured Homes where the wind load rating is sufficient for the location, including those on leased land in stable park situations;

(f) Limited repair and relocation assistance on a case by case basis to pre-1994 Manufactured Homes and mobile homes;

(g) The acquisition of building materials for home repair and construction;

(h) Implementation of long-term recovery plans prepared through a locally initiated collaborative community partnership or in conjunction with the Department of Community Affairs and Federal Emergency Management Agency;

(i) Housing re-entry assistance, such as security deposits, utility deposits, and temporary storage of household furnishings;

(j) Foreclosure and eviction prevention, including monthly rental assistance for limited periods of time;

(k) Capital to leverage other private and public resources;  
or

(l) Hazard mitigation strategies and techniques to reduce or eliminate the exposure of people's lives or property to harm from a disaster.

(2) Each county's allocation shall be used to meet hurricane housing recovery needs throughout the county. In the event that an eligible county and an eligible municipality within the county vie separately for funding slated for a county, the Corporation shall make a final determination of how funds shall be awarded. Criteria used to make this determination shall include the following factors:

(a) Amount requested;

(b) Number of households being served; and

(c) Strategies to be employed;

(3) The base allocation limits for eligible counties are as follows:



<u>Escambia</u>	<u>\$17,862,236</u>
<u>Charlotte</u>	<u>\$14,339,973</u>
<u>St. Lucie</u>	<u>\$16,417,481</u>
<u>DeSoto</u>	<u>\$8,147,644</u>
<u>Santa Rosa</u>	<u>\$10,930,493</u>
<u>Indian River</u>	<u>\$10,922,421</u>
<u>Hardee</u>	<u>\$5,924,895</u>
<u>Brevard</u>	<u>\$14,673,648</u>
<u>Polk</u>	<u>\$13,284,043</u>
<u>Okeechobee</u>	<u>\$5,380,098</u>
<u>Martin</u>	<u>\$6,605,068</u>
<u>Osceola</u>	<u>\$3,986,312</u>
<u>Palm Beach</u>	<u>\$6,401,838</u>
<u>Highlands</u>	<u>\$2,326,849</u>
<u>Volusia</u>	<u>\$3,730,122</u>
<u>Lee</u>	<u>\$2,502,896</u>
<u>Orange</u>	<u>\$4,393,483</u>
<u>Putnam</u>	<u>\$789,079</u>
<u>Marion</u>	<u>\$1,045,924</u>
<u>Okaloosa</u>	<u>\$1,004,135</u>
<u>Hendry</u>	<u>\$487,199</u>
<u>Dixie</u>	<u>\$451,839</u>
<u>Glades</u>	<u>\$382,944</u>
<u>Seminole</u>	<u>\$1,649,821</u>
<u>Lake</u>	<u>\$773,192</u>
<u>Sumter</u>	<u>\$434,729</u>
<u>Levy</u>	<u>\$383,163</u>
<u>Bradford</u>	<u>\$378,475</u>

(4) ELI supplemental funds shall be made available to each county to provide funding to households earning 30% or below the area median income. These funds may be used on any of the approved strategies in the HHAP so long as they are serving ELI households. If an eligible county's ELI supplement is not requested by the eligible county or eligible municipality by September 15, 2005, the funds shall be allocated through the issuance of a request for proposals by the Corporation. Nonprofit, community-based organizations with housing experience may apply for a county's ELI allocation. The amount of funding available for each county is as follows:

<u>Escambia</u>	<u>\$3,572,447</u>
<u>Charlotte</u>	<u>\$2,867,995</u>
<u>St. Lucie</u>	<u>\$3,283,496</u>
<u>DeSoto</u>	<u>\$1,629,529</u>
<u>Santa Rosa</u>	<u>\$2,186,099</u>
<u>Indian River</u>	<u>\$2,184,484</u>
<u>Hardee</u>	<u>\$1,184,979</u>
<u>Brevard</u>	<u>\$2,934,728</u>
<u>Polk</u>	<u>\$2,656,809</u>
<u>Okeechobee</u>	<u>\$1,076,020</u>
<u>Martin</u>	<u>\$1,321,014</u>
<u>Osceola</u>	<u>\$797,262</u>
<u>Palm Beach</u>	<u>\$1,280,368</u>
<u>Highlands</u>	<u>\$465,370</u>
<u>Volusia</u>	<u>\$746,024</u>
<u>Lee</u>	<u>\$500,579</u>
<u>Orange</u>	<u>\$878,697</u>
<u>Putnam</u>	<u>\$157,816</u>

<u>Marion</u>	<u>\$209,185</u>
<u>Okaloosa</u>	<u>\$200,827</u>
<u>Hendry</u>	<u>\$97,440</u>
<u>Dixie</u>	<u>\$90,368</u>
<u>Glades</u>	<u>\$76,589</u>
<u>Seminole</u>	<u>\$329,964</u>
<u>Lake</u>	<u>\$154,638</u>
<u>Sumter</u>	<u>\$86,946</u>
<u>Levy</u>	<u>\$76,632</u>
<u>Bradford</u>	<u>\$75,695</u>

(5) Community planning supplemental funds shall be distributed to each eligible county or eligible municipalities that submits as part of its HHAP, a summary of the collaborative efforts between it and other entities involved as part of the eligible county or eligible municipalities HHAP. Copies of interlocal agreements and contracts shall be submitted as attachments to the HHAP. The allocation of funds not requested prior to September 15, 2005 for the community planning supplemental allocation shall be determined through the issuance of a request for proposal by the Corporation. The funds shall be allocated based on the funding levels as follows:

<u>Escambia</u>	<u>\$2,381,632</u>
<u>Charlotte</u>	<u>\$1,911,996</u>
<u>St. Lucie</u>	<u>\$2,188,997</u>
<u>DeSoto</u>	<u>\$1,086,353</u>
<u>Santa Rosa</u>	<u>\$1,457,399</u>
<u>Indian River</u>	<u>\$1,456,323</u>
<u>Hardee</u>	<u>\$789,986</u>
<u>Brevard</u>	<u>\$1,956,486</u>
<u>Polk</u>	<u>\$1,771,206</u>
<u>Okeechobee</u>	<u>\$717,346</u>
<u>Martin</u>	<u>\$880,676</u>
<u>Osceola</u>	<u>\$531,508</u>
<u>Palm Beach</u>	<u>\$853,578</u>
<u>Highlands</u>	<u>\$310,247</u>
<u>Volusia</u>	<u>\$497,350</u>
<u>Lee</u>	<u>\$333,719</u>
<u>Orange</u>	<u>\$585,798</u>
<u>Putnam</u>	<u>\$105,211</u>
<u>Marion</u>	<u>\$139,457</u>
<u>Okaloosa</u>	<u>\$133,885</u>
<u>Hendry</u>	<u>\$64,960</u>
<u>Dixie</u>	<u>\$60,245</u>
<u>Glades</u>	<u>\$51,059</u>
<u>Seminole</u>	<u>\$219,976</u>
<u>Lake</u>	<u>\$103,092</u>
<u>Sumter</u>	<u>\$57,964</u>
<u>Levy</u>	<u>\$51,088</u>
<u>Bradford</u>	<u>\$50,463</u>

(6) No Administrative Expenditures may be used to pay for costs incurred prior to July 1, 2005. Eligible counties and eligible municipalities shall be allowed to use up to 15 percent of its allocation for costs to administer its program. An eligible county or eligible municipalities may subcontract their administrative functions, but in no case shall the administrative costs exceed 15 percent of the eligible county or eligible municipalities' allocation.

(7) At least 65% of the base allocation and community planning supplemental funds allocated to a county shall be used for home ownership. An eligible county and eligible municipalities shall provide justification for the need to use a higher percentage of its allocation for rental housing. The separate funding allocated for ELI households is exempt from the 65% requirement.

(8) With the exception of the income requirements and home ownership requirements, eligible counties and eligible municipalities shall be allowed to apportion their funds across their housing strategies as dictated by local needs.

(9) Eligible counties and eligible municipalities shall have two years to encumber funds for their intended use, and an additional year to fully expend the funds. If a local entity shows that it has been unable to fully expend the funds after this period, it may request a one year extension to this timeframe pursuant to subparagraph 67-37.005(6)(f)2., F.A.C. The Corporation shall grant that local entity an additional year to expend the funds upon receipt of the request.

(10) Eligible counties and eligible municipalities shall maintain the HHR program funds and any repayments, recoveries, or program income in a separate trust fund. The local entity shall use any such repayments, recoveries, or program income to further affordable housing objectives consistent with the HHR program, regardless of when such money is recycled. At the termination of the HHR Program, any such repayments, recoveries, or program income may be deposited into the local government's Local Housing Trust Fund.

(11) Any funds that are not encumbered by eligible counties or eligible municipalities by June 30, 2007, shall be re-offered by the Corporation to eligible counties and eligible municipalities with remaining hurricane housing needs.

(12) The Corporation shall approve expenditures for administration of the HHR program in accordance with subsection 67-37.007(4), F.A.C.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 6-23-06.

67ER06-46 Hurricane Housing Recovery Program Trust Fund.

(1) The HHR program trust fund account shall be separately stated as a special revenue fund in an eligible county's or eligible municipalities audited financial statements. Copies of such audited financial statements shall be forwarded annually to the Corporation no later than June 30th of the following fiscal year. In addition to providing audited financial statements, all participating jurisdictions must provide evidence of compliance with the Florida Single Audit Act, as referenced in Section 215.97(6), F.S.

(2) An eligible county and eligible municipalities which have had an audit, review or investigation involving HHR program funds shall send the Corporation a copy of any related report within 10 days of the issuance of such report.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s.2 and 3, ch. 2005-92, L.O.F. History--New 6-23-06.

67ER06-47 Annual Reports.

(1) Except in 2005, by September 15 of each year each eligible county and eligible municipalities shall submit a report using the HHR Annual Report, form AR05-1 (07/05), herein incorporated by reference with an effective date of 7/1/05, of its Hurricane Housing Recovery Program and accomplishments through June 30, immediately preceding submittal of the report. A copy of HHR annual report, form AR05-1 may be obtained at <http://www.floridahousing.org/Home/Disaster/HHRPAnReport.htm> or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301.

(2) In addition to the report mentioned in subsection (1) above, counties and SHIP eligible municipalities utilizing any HHR program funds must provide a list of recipients by strategy including names, addresses, and zip codes to Florida Housing Finance Corporation.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 6-23-06.

67ER06-48 Compliance Monitoring for Housing Developed With HHR Program Funds.

(1) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan must develop a tracking system to ensure that the hurricane housing distribution funds disbursed from the hurricane housing assistance trust fund are at all times expended in accordance with the set-aside requirements in subsection 67-37.007(2), F.A.C., and time restraints detailed at subsection 67-37.005(6), F.A.C.

(2) The combined household annual gross income of an applicant who is applying as an owner/occupant of a residence must be verified and certified by the local Hurricane Housing Recovery Program administrator or his/her designee using income verification and certification procedures as established by the U.S. Department of Housing and Urban Development (HUD), Occupancy Handbook 4350.3 (05/03), Chapter 5, Appendix 3, and Appendix 15-C, hereby incorporated by reference. Copies of these materials may be obtained by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida or obtained at: <http://www.floridahousing.org/Home/Disaster/HUDDocHn dbk.htm>. Whichever verification and certification method is used, annual gross income must be used and the HHR program income limits cannot be exceeded.

(3) The staff or entity with administrative authority for a Hurricane Housing Assistance Plan assisting rental developments shall monitor and determine tenant eligibility and the amount of subsidy using the same guidelines as specified at subsection (2) above, for the term of the HHR Program. The Corporation shall monitor the activities of the local governments to determine compliance with program requirements. To ensure that communities are capable of addressing rental housing needs for hurricane recovery, eligible counties and eligible municipalities are required to perform only an initial certification of income upon move-in of the first household into a rental unit, as long as no more than \$10,000 has been provided for assistance to the unit, and the housing unit is located in a census block group in which more than 51 percent of the households have incomes at or below 80 percent of the area median income. No continuing compliance monitoring shall be required on these units.

(4) The Corporation, or its designated monitoring agent, shall be permitted to inspect the Hurricane Housing Assistance Plan, advertisements, applications, income verifications and certifications, plan participation contracts, financial records, plan tracking records, construction cost verification including receipts and contracts, and any other applicable documents at any reasonable time with or without notice. Such records must be maintained within the participating county or eligible municipality at a place accessible to the Corporation staff or its designated monitoring agent.

(5) If the Corporation staff or its designated monitoring agent determines that an eligible jurisdiction has established a pattern of violation by not complying with the criteria of its Hurricane Housing Assistance Plan established under these rules or Sections 420.907-9079, F.S., or that an eligible sponsor has established a pattern of violation by not complying with the applicable award conditions, the Corporation shall report such pattern of violation to the Executive Office of the Governor at which time the distribution of program funds to the county or eligible municipality will be suspended. The eligible jurisdiction shall develop a corrective action plan (CAP). The CAP shall be submitted to the Corporation within 60 days of the date of a letter from the Corporation, pursuant to Section 420.9075(12), F.S. notifying the eligible jurisdiction of the pattern of violation. The CAP must describe the proposed corrective action for each violation and how the correction actions will be implemented within 3 months of the CAP's approval by the Corporation. Upon receipt of the CAP, the Corporation shall have 30 days to review and approve or recommend changes to the CAP. Upon approval of the CAP and correction of the violation, program funds will be distributed.

(6) If the Corporation's staff or its designated monitoring agent determines that the corrective actions have not been implemented, the Corporation shall report such pattern of violation of criteria or violation of award conditions to the

Executive Office of the Governor. The distribution of program funds to the eligible county or eligible municipality will be suspended until such time as the corrective plan of action has been implemented, at which time funds will be distributed.

Specific Authority s. 31, ch. 2006-69, L.O.F. Law Implemented s.2 and 3, ch. 2005-92, L.O.F. History—New 6-23-06.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: June 23, 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 Collier County Public Schools on June 6, 2006, a petition for Waiver of subsection 11B-21.002(3), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an entity wishing to create an officer training school present the proposal to the proper Regional Training Council for a needs determination. Petitioner has petitioned that the CJSTC make perform a needs determination.

Comments on this Petition should be filed with the: Office of General Counsel, Florida Department of Law Enforcement, P. O. 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.

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

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on June 26, 2006, South Florida Water Management District (District) received a petition for waiver from Dr. David Cox, Application No. 05-1116-5, for utilization of Works or Lands of the District known as the C-18 Canal, Palm Beach County for an existing

boat dock and proposed swale within the north right of way of C-18 at the rear of 5824 Senegal Drive, Section 35, Township 40 South, Range 42 East.

The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the maximum distance boat docks and moored vessels may encroach into the canal/waterway and also prohibits impoundments and excavations within Works or Lands of the District. A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, or e-mail [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov). The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

The Board of Cosmetology hereby gives notice that it has received a petition filed on June 21, 2006, by Theresa L. Licciardi, seeking a variance/waiver from Rule 61G5-18.007, F.A.C., regarding procedures for licence's by endorsement of practitioners.

Comments on this petition should be filed with: Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

For a copy of the petition, contact: Robyn Barineau, Executive Director, Board of Cosmetology, at the above address.

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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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**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on June 27, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.028(3), Florida Administrative Code, from McCurdy Center, Ltd. ("Petition"). The Petition is seeking a waiver of the requirement that all supporting documentation referenced in Petitioner's Carryover Allocation Agreement be submitted to the corporation within six months of the date of execution of the Carryover Allocation Agreement.

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.

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NOTICE IS HEREBY GIVEN that on June 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a), and subsections 67-48.004(14), (15), Florida Administrative Code, from Oaks at Shannon's Crossing Limited Partnership ("Petition"). The Petition is seeking a waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 2005, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on June 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a), and subsections 67-48.004(14), (15), Florida Administrative Code, from Oaks at Stone Fountain Limited Partnership ("Petition"). The Petition is seeking a waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 2005, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on June 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a), and subsections 67-48.004(14), (15), Florida Administrative Code, from Pebble Hill Estates Limited Partnership ("Petition"). The Petition is seeking a

waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 2005, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on June 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a), and subsections 67-48.004(14), (15), Florida Administrative Code, from Pines at Warrington Limited Partnership ("Petition"). The Petition is seeking a waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 2005, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on June 28, 2006, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67-48.004(1)(a), and subsections 67-48.004(14), (15), Florida Administrative Code, from Royal Palms Senior Apartments Limited Partnership ("Petition"). The Petition is seeking a waiver of the Rules to allow a change to the ownership structure of RLI Beneficial Holdings 2005, LLC, sole member of the General Partner and to the structure of the Developer.

A copy of the Petition can be obtained from: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day

after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on June 23, 2006, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-48.007, Florida Administrative Code, and paragraph 67-21.003(1)(a), F.A.C., from Oak Crest Apartments RRH II, Ltd., L.L.L.P., ("Petition"). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, F.A.C., and the Universal Application Instructions adopted as rules, pursuant to Rule 67-21.003, F.A.C.

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.

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NOTICE IS HEREBY GIVEN that on June 22, 2006, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-48.007, Florida Administrative Code, and paragraph 67-21.003(1)(a), F.A.C., from Pelican Cove RRH, Ltd. ("Petition"). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, F.A.C., and the Universal Application Instructions adopted as rules, pursuant to Rule 67-21.003, F.A.C.

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.

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NOTICE IS HEREBY GIVEN that on June 27, 2006, Florida Housing Finance Corporation received a Petition for Waiver of subsection 67-48.002(83), Florida Administrative Code, and a variance of Paragraph 11 of the Qualified Allocation Plan from Reliance-Andrews Associates, Ltd. ("Petition"). The Petition is seeking a waiver or variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition 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.

NOTICE IS HEREBY GIVEN that on June 23, 2006, Florida Housing Finance Corporation received a Petition for Waiver of Rule 67-48.007, Florida Administrative Code, and paragraph 67-21.003(1)(a), F.A.C., from Wakulla Trace Apartments, Ltd./Wakulla Trace Apartments (“Petition”). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, F.A.C., and the Universal Application Instructions adopted as rules, pursuant to Rule 67-21.003, F.A.C.

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.

**MIAMI-DADE COUNTY**

NOTICE IS HEREBY GIVEN that on June 8, 2006, the Miami-Dade County Office of Elevator Safety has received Petitions for Variance from Rules 101.3 and 100.6(b)(2) for six (6) electric elevators, ASME A17.1-1996 edition with addendums, as adopted by Chapter 3001.2, 2001 Florida Building Code, which require safe and convenient access to machine rooms, and prohibit projections greater than 2" without beveling within the hoistway, from Mr. Bill Johnson of Miami-Dade County. The Petitioners are requesting variance to allow alternative means of access to machine rooms and alternative treatment of projections to allow installation of six (6) Schindler passenger elevators in the following location: Performing Arts Center, 1444 Biscayne Boulevard, Miami, Florida (Petition MDV-062606-01 and MDV-062606-04).

A copy of the petitions may be obtained from: Michael A. Chavez, Miami-Dade County Office of Elevator Safety, 201 West Flagler Street, Miami, Florida 33130-1510. The Office of Elevator Safety will accept comments concerning the Petition for fourteen (14) days from the date of the publication of this notice. To be considered, comments must be received on or before the deadline at 5:00 p.m.

NOTICE IS HEREBY GIVEN that on June 8, 2006, the Miami-Dade County Office of Elevator Safety has received Petitions for Variance from rules 101.3, 2500.8 and 2500.8(c) for two Limited Use – Limited Access (LULA) elevators, ASME A17.1-1996 edition with addendums, as adopted by Chapter 3001.2, 2001 Florida Building Code, which require safe and convenient access to machine rooms, and require a minimum refuge area height, from Mr. Bill Johnson of Miami-Dade County. The Petitioners are requesting variance to allow alternative means of access to machine rooms and alternative treatment of refuge area to allow installation of two (2) VERTECHS Limited Use / Limited Access (LULA) elevators in the following location: Performing Arts Center, 1444 Biscayne Boulevard, Miami, Florida (Petition MDV-062606-02 and MDV-062606-03).

A copy of the petitions may be obtained from: Michael A. Chavez, Miami-Dade County Office of Elevator Safety, 201 West Flagler Street, Miami, Florida 33130-1510. The Office of Elevator Safety will accept comments concerning the Petition for fourteen (14) days from the date of the publication of this notice. To be considered, comments must be received on or before the deadline at 5:00 p.m.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: August 1, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report

on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S.,

comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

**CABINET AIDES BRIEFING:** On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Commission on the Status of Women** will hold telephone conference calls to which all interested persons are invited.

Bylaws Committee

DATE AND TIME: July 18, 2006, 3:00 p.m.

Florida Commission on the Status of Women Foundation Board

DATE AND TIME: July 27, 2006, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on general issues.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

If you need accommodation due to a disability, please notify the Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The Florida **Department of Agriculture and Consumer Services, Division of Plant Industry**, Bureau of Plant and Apiary Inspection, Apiary Inspection Section, Honey Bee Technical Council announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 20, 2006, 10:00 a.m. – 11:00 a.m.

AGENDA: Welcome – G. W. Hayes, Jr., Assistant Chief, Bureau of Plant and Apiary Inspection, FDACS/DPI  
Roll Call – Bill Merritt, Chairman, Honey Bee Technical Council

Approval of Honey Bee Technical Council Minutes

I. Review minutes of the Africanized Honey Bee (AHB) Inter-Agency Coordination Group (IACG) Meeting  
AHB/IACG CONSENSUS;

- 1) A unified message is needed,
- 2) This message must include all components of the issue (Emergency Response, Safety/PPE/Training, Education/Awareness Programs for the public and government workers, visitors, etc., education about good bees, etc.),
- 3) It was resolved that a common website should be developed with such a common message,
- 4) This website will include Emergency Response Education/Training, Safety training and guidance for non-emergency situations for public and for government workers,

5) That the research for these various safety issues would get under way and suitable guidelines written so that the necessary merging of information would begin.

A. Best Management Practices

Florida’s Apiculture Industry’s Participation and Message

DATE AND TIME: Thursday, July 20, 2006, 11:00 a.m. – 12:00 Noon, Research Funds – Future Projects

DATE AND TIME: Thursday, July 20, 2006, 12:00 Noon – 12:30 p.m., Other Issues

DATE AND TIME: Thursday, July 20, 2006, 12:30 p.m., Adjourn

The Florida **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATE AND TIME: July 28, 2006, 2:30 p.m. – 4:30 p.m.

PLACE: Marco Island Marriott, 400 South Collier Blvd., Marco Island, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Propane Education, Safety and Research Council and representatives of the Florida Department of Agriculture and Consumer Services to discuss proposed Council programs and budget issues.

Additional information may be obtained by writing to: Vicki O’Neil, Bureau Chief, Bureau of LP Gas Inspections, 3125 Conner Blvd., Suite N, Tallahassee, FL 32399-1650, telephone: (850)921-8001.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours in advance by contacting Ms. O’Neil at the number above.

The Florida **Department of Agriculture and Consumer Services** announces the following monthly public meeting of the Pesticide Registration Evaluation Committee to which all interested persons are invited.

DATE AND TIME: August 3, 2006, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee discusses and makes recommendations on pesticide registration issues impacting human health and safety and the environment.

CONTACT: Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Bldg. 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

A copy of the meeting agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130, or from the PREC Web Site at: [http://www.flaes.org/pesticide/pesticide\\_registration.html](http://www.flaes.org/pesticide/pesticide_registration.html).



The **Forestry Arson Alert Association**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, July 14, 2006, 1:00 p.m.

PLACE: Florida Division of Forestry's Center for Wildfire and Resources Management Training, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider the following agenda items: 1) Arson Rewards; 2) Budget; 3) Prevention Items; 4) Elections, 5) New Business.

A copy of the agenda may be obtained by writing: Mr. Mike Long, Division of Forestry, 3125 Conner Blvd., Tallahassee, Florida 32399-1650, telephone (850)488-6111.

#### DEPARTMENT OF EDUCATION

The public is invited to a conference call meeting of the **State Board of Education**.

DATE AND TIME: July 17, 2006, 9:00 a.m.

PLACE: Conference Call number will be available from our website no later than July 16, 2006, 8:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will consider the approval of the revised action plans for the repeating F schools identified at the June State Board meeting.

A copy of the agenda may be obtained from the Department of Education's website at <http://www.fldoe.org>

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Equity and Access, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

The **Gulf Coast Community College**, Presidential Search Committee will hold an Organizational Meeting as follows:

DATE AND TIME: July 18, 2006, 12:00 Noon (CST)

PLACE: Student Union West, Room 302

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presidential Search, Organizational Meeting.

Contact person for the meeting is Wanda Luckie, Coordinator, Institutional Effectiveness.

The Florida **Rehabilitation Council for the Blind, and the Division of Blind Services** announces the following meeting to which all interested persons are invited.

DATES AND TIMES: July 21, 2006, 8:00 a.m. – 5:00 p.m.; July 22, 2006, 8:30 a.m. – 12:00 Noon

PLACE: Hilton St. Petersburg Bayfront, 333 1st Street, South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Florida Rehab Council for the Blind.

A copy of the agenda may be obtained by contacting: Phyllis Dill, The Division of Blind Services, 14 West Jordan Street, Suite 2G, Pensacola, FL 32501 or (850)595-5282, ext. 11 or through the Florida Telephone Relay system 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

The Florida **Rehabilitation Council for the Blind** announces the following Public Forum to which all interested individuals are invited.

DATE AND TIME: Thursday, July 20, 2006, 4:00 p.m. – 6:00 p.m.

PLACE: Hilton St. Petersburg Bayfront, 333 1st Street, South, St. Petersburg, FL 33701

GENERAL SUBJECT MATTER TO BE CONSIDERED: For consumer input on the effectiveness of services provided by the Florida Division of Blind Services in assisting individuals with visual impairments achieving employment and independence under title I of the Rehab Act.

CONTACT: Phyllis Dill, The Division of Blind Services, 14 West Jordan Street, Suite 2G, Pensacola, FL 32501, (850)595-5282, ext. 11 or through the Florida Telephone Relay System 711.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in these meetings should contact the individual listed above no later than five working days prior to the meeting.

#### DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Professionalism Program** announces the following meeting dates, times and location for the August 2006 Criminal Justice Standards and Training Commission meeting and related meetings. All parties are invited to attend.

DATE AND TIME: Item Writing Workshop, Monday, July 31, 2006, 8:00 a.m.

DATE AND TIME: Training Center Director Test Bank Committee Meeting, Tuesday, August 1, 2006, 2:00 – open

DATE AND TIME: Training Center Directors' Committee Meetings, Tuesday, August 1, 2006, 4:00 p.m. – open

DATE AND TIME: Probable Cause Determination Hearings, Wednesday, August 2, 2006, 8:30 a.m. – open

DATE AND TIME: Probable Cause Determination Hearings, Wednesday, August 2, 2006, 1:00 p.m. – open

DATE AND TIME: Training Center Directors' Business Meeting, Wednesday, August 2, 2006, 8:30 a.m. – open

DATE AND TIME: Basic Abilities Test Providers' Workshop, Wednesday, August 2, 2006, 1:30 p.m.

DATE AND TIME: Regional Criminal Justice Selection Center Directors' Association, Wednesday, August 2, 2006, 3:00 p.m.

DATE AND TIME: CJS&T Commission meeting business agenda, Thursday, August 3, 2006, 8:30 a.m.

DATE AND TIME: Officer Discipline Informal Hearings, Thursday, August 3, 2006, 10:30 a.m.

PLACE: Sawgrass Marriott Resort, 1000 PGA Tour Boulevard, Ponte Vedra Beach, FL 32082

GUESTROOM RATE: \$89.00 for single or double occupancy from 7/30/06 – 8/5/06. Check-in 3:00 p.m. and Check-out 12:00 Noon

TELEPHONE NUMBER FOR HOTEL RESERVATIONS: Telephone Number: (904)285-7777, Fax: (904)285-0259

GENERAL SUBJECT MATTER TO BE CONSIDERED: The above meetings are held to discuss issues relating to standards, training, examinations, certification, de-certification, record management for law enforcement, correctional, and correctional probation officers; Commission rules; officer discipline penalty guidelines; and certification and recertification of criminal justice training schools.

COMMISSION MEETING AND WORKSHOP AGENDA: A copy of the August 2006 Commission Meeting agenda may be obtained by contacting: Donna Hunt, (850)410-8615, or via e-mail at [donnahunt@fdle.state.fl.us](mailto:donnahunt@fdle.state.fl.us). The Commission agenda and agenda items will be posted to the FDLE website on July 21, 2006, and may be accessed at [www.fdle.state.fl.us](http://www.fdle.state.fl.us), then click on "Councils," click on "Criminal Justice Standards and Training Commission," click on "Commission Information," click on "Commission," click on "Meeting Agenda," and click on "Criminal Justice Standards and Training Business Agenda."

OFFICER DISCIPLINE AGENDA: A copy of the August 2006, Officer Discipline Case Agenda may be obtained by contacting Brenda Presnell, (850)410-8648, or via e-mail at [brendapresnell@fdle.state.fl.us](mailto:brendapresnell@fdle.state.fl.us). If you wish to write the Commission for a copy of the Commission meeting agenda or agenda items, please write to: Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Donna Hunt.

TRAINING CENTER DIRECTOR ASSOCIATION AGENDA: If you wish to write, call, or e-mail the Training Center Directors' Association Chairman for a copy of the Training Center Directors' Association agenda, please write to: Training Center Directors' Association Director Jim Hague (Chairman), Seminole Community College, 100 Weldon Boulevard, Sanford, Florida 32773-6199, or call (407)328-2316, or e-mail [haguec@scc-fl.edu](mailto:haguec@scc-fl.edu).

SPECIAL ACCOMMODATIONS: Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt, (850)410-8615, at least 5 days prior to the meeting.

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#### DEPARTMENT OF TRANSPORTATION

The **Florida Scenic Highways Program** announces a Scenic Highways Advisory Committee meeting to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2006, 2:00 p.m. – 4:30 p.m.

PLACE: Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to review and provide a recommendation on the Florida Black Bear Scenic Highway Eligibility Application.

SPECIAL ACCOMMODATIONS: Special accommodation requests should be made at least seven (7) days prior to the meeting.

INFORMATION: Contact: Mr. Mariano Berrios, State Scenic Highways Coordinator, Environmental Management Office, Florida Department of Transportation, 605 Suwannee Street, MS-37, Tallahassee, Florida 32399-0450, (850)414-5250, e-mail [mariano.berrios@dot.state.fl.us](mailto:mariano.berrios@dot.state.fl.us), Fax (850)414-4443.

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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 CITRUS

The **Department of Citrus** announces a public meeting of the Florida Citrus Commission to which all persons are invited.

DATE AND TIME: Wednesday, July 19, 2006, 9:00 a.m. – The Commission will convene for the purpose of standing committee meetings and the regular monthly meeting of the Florida Citrus Commission.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will address issues pertaining to budget items and revisions, contracts, advertising programs, balanced scorecards, licensing, rulemaking, and other matters generally addressed during monthly meetings of the Commission. The Commissioners of the Florida Citrus Commission also sit as the members of each referenced committee of the Florida Citrus Commission; therefore substantial and detailed discussions, public input, consideration of, and Committee action upon, Committee issues, occurs during the Committee meetings. Such actions may include, but are not limited to, the adoption of resolutions to be acted upon by the Florida Citrus Commission following the Committee meetings.

In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 48 hours before the meeting by contacting: Mr. Bill Jones at the above address or by telephone at (863)499-2499.

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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 19, 2006, 9:00 a.m.

PLACE: Everglades Correctional Institution Training Building, 1601 S. W. 187th Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

A copy of the Agenda may be obtained by writing to the: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, July 20, 2006, 9:00 a.m.

PLACE: Everglades Correctional Institution Training Building, 1601, S.W. 187th Avenue, Miami, Florida 33185

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

A copy of the Agenda may be obtained by writing to the: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

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### PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a rule hearing pursuant to Section 120.54(3)(c)1., F.S., to be held in this docket, to which all interested persons are invited to attend.

DOCKET NO.: 050152-EU

RULE: 25-6.049, Florida Administrative Code, Measuring Customer Service

DATE AND TIME: September 6, 2006, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed amendments to Rule 25-6.049, F.A.C., to allow exemptions from the Rule's requirement for individual metering for certain resort condominiums which are operated as hotels.

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

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### REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Clearinghouse Committee

DATE AND TIME: July 17, 2006, 6:30 p.m.

PLACE: Alachua County Administration Building, John R. (Jack) Durrance Auditorium, 2nd Floor, Room 209, 12 Southeast 1st Street, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee, including the review of the Springhills Development of Regional Impact Substantial Deviation.

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

A copy of any of these agendas may be obtained by emailing: [ncfrpc@ncfrpc.org](mailto:ncfrpc@ncfrpc.org) or writing to NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

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 **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee  
 DATE AND TIME: July 27, 2006, 6:00 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.  
 MEETING: Clearinghouse Committee  
 DATE AND TIME: July 27, 2006, 6:00 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.  
 MEETING: North Central Florida Regional Planning Council  
 DATE AND TIME: July 27, 2006, 7:30 p.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.  
 PLACE: The Gathering Cafe, 26804 State Road 247, Branford, Florida  
 A copy of any of these agendas may be obtained by emailing: ncfrpc@ncfrpc.org or writing to: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.  
 Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.  
 Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **Tampa Bay Regional Planning Council** announces the following meetings to which all persons are invited.  
 MEETING: Executive/Budget Committee  
 DATE AND TIME: Monday, August 14, 2006, 8:45 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive/Budget Committee.  
 MEETING: Tampa Bay Regional Planning Council  
 DATE AND TIME: Monday, August 14, 2006, 10:00 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Tampa Bay Regional Planning Council.  
 MEETING: TBRPC Legislative Committee  
 DATE AND TIME: Monday, August 14, 2006, 11:30 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the TBRPC Legislative Committee.  
 MEETING: Agency On Bay Management  
 DATE AND TIME: Thursday, August 10, 2006, 9:00 a.m.  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Agency On Bay Management.  
 MEETING: Clearinghouse Review Committee  
 DATE AND TIME: Monday, August 28, 2006, 9:30 a.m.

PLACE: 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782 (Please call to confirm date, time and location).  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Review Committee.  
 Please note that if a person decides to appeal any decision made by Council with respect to any matter considered at the above cited meeting or hearing, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

The **Tampa Bay Local Emergency Planning Committee**, (LEPC) District VIII, announces a public meeting to which all persons are invited.  
 DATE AND TIME: Wednesday, July 26, 2006, 10:30 a.m.  
 PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).  
 A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136, (727) 570-5151, ext. 33.  
 Please note that if a person decides to appeal any decision made by the LEPC with respect to any matter considered at the above cited meeting, he/she will need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.  
 Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact the Tampa Bay Regional Planning Council, (727)570-5151, within three working days of the meeting.

The **South Florida Regional Planning Council** announces a public meeting of the State Road 7/US 441 Collaborative Steering Committee to which all persons are invited.  
 DATE AND TIME: Thursday, July 13, 2006, 2:00 p.m. – 4:00 p.m.  
 PLACE: City of Tamarac City Hall, Conference Room 201, 7525 N.W. 88th Avenue, Tamarac, Florida 33321  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To continue deliberations regarding economic development, aesthetic improvement, and increased intergovernmental cooperation along the corridor.  
 A copy of the agenda may be obtained by writing to: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the State Road 7/U.S. 441 Collaborative Steering Committee with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

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### WATER MANAGEMENT DISTRICTS

The **Southwest Florida Water Management District** announces a continuation of a public hearing to which all persons are invited.

**DATE AND TIME:** Governing Board meeting to be determined. Notice will be given when a certain date and time is set.

**PLACE:** The Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604-6899. Notice will be given should the public hearing be held in a different location.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Tampa Bay Water has requested a hearing pursuant to paragraph 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River. The hearing was scheduled for June 27, 2006, and noticed in the F.A.W., April 21, 2006, Vol. 32, No. 16, page 1782. On June 27, 2006, the hearing was continued to the day, time and place described above.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact Dianne Lee, (352)796-7211 or 1(800)423-1476, extension 4658, TDD only number 1(800)231-6103.

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The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting which some Governing and Basin Board members may attend and the public.

**ENVIRONMENTAL PERMITTING 2006 PRE-SCHOOL AND SUMMER SCHOOL**

**DATES AND TIME:** July 18-21, 2006, TBA

**PLACE:** Marriott Resort and Golf Club, 400 S. Collier Boulevard, Marco Island, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Advanced instruction on Florida's environmental permitting programs.

The sessions are open to the public, an agenda may be obtained by contacting the: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, Florida.

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.

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The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

**INDUSTRIAL ADVISORY COMMITTEE**

**DATE AND TIME:** Tuesday, July 18, 2006, 9:00 a.m.

**PLACE:** Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct Committee Business.

Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling (352)796-7211 or 1(800)423-1476 (Florida only), extension 4402.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (352)796-7211 or 1(800)423-1476 (Florida only), extension 4402 or TDD ONLY 1(800)231-6103 (Florida only).

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The **Southwest Florida Water Management District** announces a public meeting, hearing or workshop to which all persons are invited.

**PUBLIC SUPPLY ADVISORY COMMITTEE**

**DATE AND TIME:** Friday, July 21, 2006, 9:30 a.m.

**PLACE:** Tampa Service Office, 7601 Highway 301, North, Tampa, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct Committee Business. Some members of the District's Governing and Basin Boards may attend the meetings.

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street (U.S. 41 South), Brooksville, Florida 34604 or by calling (352)796-7211 or 1(800)423-1476 (Florida only), extension 4402.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact (352)796-7211 or 1(800)423-1476 (Florida only), extension 4402 or TDD ONLY 1(800)231-6103 (Florida only).

#### REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces that the Authority will hold its regular July monthly board meeting as scheduled. This is a public meeting to which all persons are invited.

DATE AND TIME: July 19, 2006, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by writing to: Withlacoochee Regional Water Supply Authority, P. O. Drawer 190, Tallahassee, Florida 32302.

Although these board meetings are normally recorded, affected persons are advised that it may be necessary for them to make their own arrangements if a verbatim record of the meeting is needed, including testimony and evidence upon which any appeal is to be based.

The **Peace River/Manasota Regional Water Supply Authority** announces the following meeting and public hearing to which the public is invited.

DATE AND TIME: Wednesday, July 19, 2006, 10:00 a.m.

PLACE: Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular business of the Authority and Public Hearing for the Authority's FY07 Final Budget.

A copy of the agenda may be obtained by writing to: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a meeting to which all persons are invited.

Reinventing Aging Conference

DATE AND TIME: Wednesday, July 19, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Embassy Suites Tampa Westshore Hotel, 555 North Westshore Boulevard, Tampa, Florida, (813)875-1555, contact: Arkeba Bouie, (850)414-2088

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss aging issues facing Florida and the United States, modernizing the aging network to prepare for the 21st century and developing strategies that will help accomplish the department goals.

For more information, please contact the: Florida Department of Elder Affairs, (850)414-2000.

Note: Pursuant to the provisions of the Americans with Disabilities Act, any persons requiring special accommodations to participate in this meeting is asked to advise the department at least 48 hours before the meeting by contacting: Arkeba Bouie, (850)414-2088. If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

#### AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: July 14, 2006, 1:00 p.m. – 5:00 p.m.

PLACE: Cape Canaveral Hospital, 701 W. Cocoa Beach Causeway, Cocoa Beach, Florida 32931

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need; Interventional Cardiology Advisory Group Meeting.

A copy of the agenda may be obtained by writing to: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail at [ehlerst@ahca.myflorida.com](mailto:ehlerst@ahca.myflorida.com). To be included in e-mail notices of the interventional cardiology advisory group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

#### DEPARTMENT OF MANAGEMENT SERVICES

The State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, July 17, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Amy Caldeira, amy\_caldeira@doh.state.fl.us or call (850)245-4444, ext 3811.

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NOTICE OF CANCELLATION – The meeting of the **Department of Management Services**, Florida State Employees' Charitable Campaign Statewide Steering Committee and Rule Development Workshop for Rule Chapter 69L-39, Noticed in Vol. 32, No. 26, June 30, 2006, FAW and scheduled for July 19, 2006, 2:00 p.m. – 5:00 p.m. at 4050 Esplanade Way, Tallahassee, Florida 32399 is hereby Cancelled.

THE PERSON TO BE CONTACTED REGARDING THE RULE DEVELOPMENT IS: John Kuczanski, Chairman, Florida State Employees Charitable Campaign, Department of Management Services, 4050 Esplanade Way, Tallahassee, Florida 32399-0950, (850)921-5266.

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The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATE AND TIME: July 17, 2006, 8:30 a.m.

PLACE: Hilton Orlando/Altamonte Springs, 350 S. North Lake Blvd., Altamonte Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service which can be reached at 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Thursday, July 20, 2006, 2:00 p.m.

PLACE: Radisson Hotel, 3820 N. Roosevelt Blvd., Key West, FL 33040

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for the next meeting will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting: Mandy Lemons, 1(888)862-7010.

Additional information may be obtained by contacting: Mandy Lemons, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

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The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: Friday, August 11, 2006, 10:30 a.m. (EST)

PLACE: Hyatt Regency Orlando Airport, 9300 Airport Boulevard, Orlando, Florida 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399-0750 or by calling (850)922-5012.

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 forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, 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 will include the testimony and evidence upon which the appeal is to be based.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies**, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 19, 2006, 10:00 a.m. or soon thereafter

PLACE: Via telephone conference. To connect, dial (850)487-9454, Suncom 277-9454

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing to: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, 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 will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling (800)955-8771(TDD).

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

NOTICE OF CHANGE – The **Board of Professional Geologists** announces a notice of change to the meeting location that appeared in the Florida Administrative Weekly June 16, 2006.

DATES AND TIMES: July 26, 2006, 1:00 p.m.; July 27, 2006, 9:00 a.m.

PLACE: Hyatt Regency Pier Sixty-Six, 2301 S. E. 17th Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct General Business.

A copy of the agenda may be obtained by writing to: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399 or by calling (850)487-1395.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Richard Morrison by Tuesday, July 25, 2006.

The Probable Cause Panel of the **Florida Real Estate Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, July 17, 2006, 2:00 p.m. or the soonest thereafter. Portions of the probable cause proceedings are not open to the public.

PLACE: Zora Neale Hurston Building, North Tower, Suite 901N, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

Any person who desires a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)245-0800 (between the hours of 8:30 a.m. – 4:00 p.m.), at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Real Estate Division using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Real Estate Commission** (FREC) announces a public meeting to which all persons are invited.

DATES AND TIME: Tuesday, July 18, 2006, 8:30 a.m.; meeting will reconvene on Wednesday, July 19, 2006, 8:30 a.m.

PLACE: Division of Real Estate, Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of Commission – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part I, F.S., rule development workshops, Florida Administrative Code 61J2 rule amendments, budget discussions, escrow disbursement requests, recovery fund claims, education issues, petitions for declaratory statement, petitions for rule variance/waiver, and disciplinary actions.



All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Commission members or its counsel.

A copy of the agenda may be obtained by writing to: Deputy Clerk of the Florida Real Estate Commission, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Commission, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

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)245-0800, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

#### DEPARTMENT OF HEALTH

The **Council on Physician Assistants** announces a conference call meeting to which all persons are invited.

DATE AND TIME: Monday, July 10, 2006, 2:00 p.m. or soon thereafter

PLACE: Conference call number: (850)921-6260 or Suncom 293-0968

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing to: JoAnne Davis-Trexler, Supervisor/Consultant, Council on Physician Assistants, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Council on Physician Assistants, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Council on Physician

Assistants 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 Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Thursday, July 27, 2006, 12:00 Noon

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida, 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, 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)245-4355, at least 48 hours prior to the meeting.

If you are hearing or speech impaired, please contact the Board office using the Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Board of Massage Therapy** announces a meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 26, 2006, 6:00 p.m. or soon thereafter

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review those cases on which a determination of existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Samantha DiConcilio, Department of Health, Prosecution Services, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, FL 32399.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Practitioner Regulation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Practitioner Regulation Section may be contacted at: 4052

Bald Cypress Way, #C-06, Tallahassee, FL 32399, 1(800)955-8771 (TDD) or 1(800)955-8770 via Florida Relay Service.

The Florida **Board of Massage Therapy** will hold the following meeting to which all persons are invited.

DATES AND TIME: Thursday, July 27, 2006, 9:00 a.m., or shortly thereafter; Friday, July 28, 2006, 9:00 a.m. or shortly thereafter

PLACE: Renaissance Hotel, 5445 Forbes Place, Orlando, FL 32812, (407)240-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board business.

A copy of any item on the agenda may be obtained by writing: Pamela King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256, or you may call (850)488-0595. You will be charged seventeen cents per page for the number of copies desired.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he may need to ensure that a verbatim record of the proceedings is made, which records 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 Christy Robinson, (850)488-0595, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Christy Robinson using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: July 14, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom 994-5775

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing to: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771(TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Medicine** hereby gives notice of an additional public hearing on proposed Rule 64B8-8.001, Disciplinary Guidelines, to be held on:

DATE AND TIME: Saturday, July 22, 2006, 8:00 a.m., or as soon thereafter as can be heard

PLACE: The Hyatt Regency, 225 East Coastline Drive, Jacksonville, Florida 32202

The rule was originally published in Vol. 32 No. 17, of the April 28, 2006, F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

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 CHILDREN AND FAMILY SERVICES**

NOTICE OF AMENDMENT – The Florida **Department of Children and Family Services** announces an amendment in the meeting dates/times of the following District Eight Community-Based Care Alliance meetings:

Lee County Community Alliance

DATES AND TIME: August 1, 2006; November 7, 2006, 2:30 pm.

PLACE: The place remains the same, which is: Regional Service Center, 2295 Victoria Avenue, Room #123, Fort Myers, Florida

Persons needing additional information should contact: Mary Lynn Smith, (239)338-1490.

The Florida **Coordinating Council for the Deaf and Hard of Hearing** announces a hearing and meeting to which all interested persons are invited.

PUBLIC HEARING

DATE AND TIME: August 17, 2006, 1:00 p.m. – 6:30 p.m.

BUSINESS MEETING

DATE AND TIME: August 18, 2006, 8:00 a.m. – 4:00 p.m.  
 PLACE: Best Western Gateway Grand, 4200 N. W. 97th Boulevard, Gainesville, Florida 32606-3742  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: A public hearing on issues related to deafness and hearing loss. More than 200 deaf, hard of hearing, late deafened and deaf-blind individuals, and advocates for this population, have attended public hearings held in Miami and Orlando earlier this year. Speakers raised concerns on topics ranging emergency communication information during hurricanes and other emergencies, to communication access and Americans with Disability Act violation issues. A large group of speakers is also expected at the Gainesville public hearing. The coordinating council will follow the public hearing with a business meeting. Both events are open to the public.  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Sign language and oral interpreter services and communication-assisted real-time translation (CART) services will be provided at this meeting. Any person requiring additional accommodations needs to contact Mary Grace Tavel, at least 14 working days prior to the meeting.  
 Contact Person: Mary Grace Tavel, (850)245-4913 or (866)602-3275, TTY (866)602-3276 or (850)245-4914, or via e-mail [MaryGrace\\_Tavel@doh.state.fl.us](mailto:MaryGrace_Tavel@doh.state.fl.us)

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The Florida **Coordinating Council for the Deaf and Hard of Hearing**, Medical Accessibility Task Force announces a meeting to which all interested persons are invited.

DATE AND TIME: July 28, 2006, 10:00 a.m. – 3:30 p.m.  
 PLACE: Florida Hospital Association, 307 Park Lake Circle, Orlando, Florida 32803  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: (a) application of the ADA's effective communication requirements in medical settings from the federal and state perspectives; (b) lack of education concerning accessibility requirements; (c) associated costs with providing accessibility; and (d) willingness to provide accommodations for persons who are deaf, hard of hearing, late-deafened, or deaf-blind in Florida.  
 NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Sign language and oral interpreter services and communication-assisted real-time translation (CART) services will be provided at this meeting. Any person requiring additional accommodations needs to contact Mary Grace Tavel at least 14 working days prior to the meeting.  
 Contact Person: Mary Grace Tavel, (850)245-4913 or (866)602-3275, TTY (866)602-3276 or (850)245-4914, or via e-mail [MaryGrace\\_Tavel@doh.state.fl.us](mailto:MaryGrace_Tavel@doh.state.fl.us)

## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a Universal Cycle Review Committee meeting for the 2006 competitive cycle to which all interested parties are invited.  
 DATE AND TIME: Wednesday, July 26, 2006, 9:30 a.m.  
 PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 6th Floor, Seltzer Room, Tallahassee, Florida 32301-1329  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To make recommendations to the Corporation's Board of Directors regarding program participation.  
 If any person decides to appeal any decision made by the Corporation with respect to any matter considered at this meeting, 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 be 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: Valerie Turner, (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).

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## FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** has scheduled a special public meeting.  
 DATE AND TIME: Wednesday, August 16, 2006, 1:00 p.m. – 4:00 p.m.  
 PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the final public hearing to review and discuss substantive and procedural issues associated with the Fish and Wildlife Conservation Commission and to take action on two proposed amendments. Paragraph 68B-45.004(9)(b), Florida Administrative Code (F.A.C.), is amended to continue the moratorium on issuance of the blue crab endorsements until January 1, 2007. Rule 68B-45.007, F.A.C., is amended to delay until July 1, 2007, the implementation of the Blue Crab Limited Entry Program. The commission may also reopen its final public hearing on proposed amendments to Rules 68A-9.007 and 68A-15.065, Florida Administrative Code (F.A.C.), if lead management authority for Tosohatchee Wildlife Management Area is not transferred to the Commission by the Board of Trustees at its August 1, 2006 meeting.  
 A copy of the proposed agenda may be obtained from: Florida Fish and Wildlife Conservation Commission, 620 S. Meridian St., Tallahassee, FL 32399-1600.

If any person decides to challenge any decision with respect to any matter considered at the above meeting, a record of the proceeding will be needed. For this purpose, you may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the challenge is to be based.

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

LEGAL AUTHORITY: Article IV, Section 9, Florida Constitution.

Be advised that the public rulemaking hearing for this proposed Rule amendment 68A-9.007 Special-use Permits; Short-term Use Permits; Fees; Special-Opportunity Hunting and Fishing, will be continued at the following date, time, and place if lead management authority for Tosohatchee Wildlife Management Area is not transferred to the Fish and Wildlife Conservation Commission by the Board of Trustees of the Internal Improvement Trust Fund at the Board's August 1, 2006 meeting.

DATE AND TIME: August 16, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida

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 Commission at least 5 calendar days prior by calling the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

Be advised that the public rulemaking hearing for proposed Rule amendment 68A-15.065 Specific Regulations for Wildlife Management Areas Northeast Region, will be continued at the following date, time, and place if lead management authority for Tosohatchee Wildlife Management Area is not transferred to the Fish and Wildlife Conservation Commission by the Board of Trustees of the Internal Improvement Trust Fund at the Board's August 1, 2006 meeting.

DATE AND TIME: August 16, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Doubletree Hotel, 4500 West Cypress Street, Tampa, Florida

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 Commission at

least 5 calendar days prior by calling the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

#### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services, Division of State Fire Marshal**, announces a public meeting by conference call to which all persons are invited to attend.

DATE AND TIME: July 10, 2006, 9:00 a.m.

PLACE: Persons may attend the meeting via conference call by: Appearing at the State Fire Marshal Conference Room, Third Floor, the Atrium, 325 John Knox Road, Tallahassee, Florida, or by Calling the meet me number, (850)413-1591, Suncom (SC)293-1591, by not later than by 8:55 a.m. The Conference ID Number is 736.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Special meeting of the Florida Fire Code Advisory Council to consider the question of the limitations, restrictions, conditions, and requirements for fuel, including diesel fuel, gasoline, and LP gas, which is permitted to be stored inside of single family homes in multiple family occupancies, such as apartment buildings, condominiums, and cooperatives.

A copy of the agenda may be obtained by writing to: Millicent King, Bureau of Fire Prevention, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342 or by calling her at (850)413-3619.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodation to participate in this meeting, please contact: Millicent King, 200 E. Gaines Street, Tallahassee, FL 32399-0342 or call (850)413-3619 or Fax (850)922-2553, at least five calendar days before the meeting for assistance.

The **Department of Financial Services** announces a public meeting of the Florida Board of Funeral, Cemetery and Consumer Services Preneed License Financial Requirements Committee, to which all persons are invited.

DATE AND TIME: July 18, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S.E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn.: LaTonya Bryant, 200 East Gaines Street, Tallahassee, FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services ([www.fldfs.com/FuneralCemetery](http://www.fldfs.com/FuneralCemetery)).

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person 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. Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida Board of Funeral, Cemetery and Consumer Services Finance Committee, to which all persons are invited.

DATE AND TIME: July 18, 2006, 3:00 p.m. – 5:00 p.m.

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn.: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services ([www.fldfs.com/FuneralCemetery](http://www.fldfs.com/FuneralCemetery)).

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida Board of Funeral, Cemetery and Consumer Services Emergency Preparedness Committee, to which all persons are invited.

DATE AND TIME: July 19, 2006, 10:30 a.m. – 12:00 Noon

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn.: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms. Bryant at (850)413-3039.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery and Consumer Services ([www.fldfs.com/FuneralCemetery](http://www.fldfs.com/FuneralCemetery)).

If a person decides to appeal any decision made by the Committee with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the person 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039, at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

#### **TREASURE COAST EDUCATION, RESEARCH AND DEVELOPMENT AUTHORITY**

The **Treasure Coast Education, Research and Development Authority** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, July 11, 2006, 1:00 p.m.

PLACE: University of Florida Indian River Research and Education Center, 2199 South Rock Road, Fort Pierce, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Research Park Manager position, land lease status, master plan, and such other business as the Authority may deem appropriate.

Those who desire a copy of the agenda or more information should contact: Linda W. Cox, Chairman, (772)595-9999.

Anyone with a disability requiring accommodation to attend this meeting should contact: Velma Spencer, IRREC Office Manager, (772)468-3922, Ext. 113, at least forty-eight (48) hours prior to the meeting.

#### **TECHNOLOGICAL RESEARCH AND DEVELOPMENT AUTHORITY**

The **Technological Research and Development Authority** (TRDA) announces an Auditor Selection Committee meeting to which all persons are invited to participate.

DATE AND TIME: July 12, 2006, 1:00 p.m.  
 PLACE: TRDA Conference Room, 5195 South Washington Avenue, Titusville, FL 32780  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Ranking of FY06 Fiscal Auditor Proposals submitted in response to RFP published on June 2, 2006, in preparation for board review and selection.  
 A copy of the agenda may be obtained by contacting: Dave Kershaw, TRDA Deputy Director, (321)269-6330, ext. 243 or [dkershaw@trda.org](mailto:dkershaw@trda.org).

**STUDENT ATHLETE RECRUITING TASK FORCE**

The **Student Athlete Recruiting Task Force** announces their initial public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, July 12, 2006, 1:30 p.m.  
 PLACE: Plant High School, Auditorium, 2415 South Himes Avenue, Tampa, Florida  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will consider matters relating to student athlete recruiting. These matters may include information on the recruiting by-law change, concerns raised about the by-law change, and other business as the task force may deem appropriate.

Those who desire a copy of the agenda or more information should contact: Susan Dusoe, Office of Program Policy Analysis and Government Accountability, 111 West Madison Street, Suite 312, Tallahassee, FL 32399-1475, (850)487-9161. Any person requiring special accommodations due to a disability should contact the Task Force, at least five days prior to the meeting in order to request any special assistance by calling: Susan Dusoe, (850)487-9161.

**SUNSHINE STATE ONE-CALL OF FLORIDA**

Mark your calendars for **Sunshine State One-Call of Florida, Inc.**'s strategic planning and July board and committee meetings. Casual attire for all meetings will be acceptable.

STRATEGIC PLANNING MEETING  
 DATE AND TIME: July 19, 2006, 8:00 a.m. – 5:00 p.m.  
 PLACE: The Shores Resort and Spa, Atlantic Room 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118, (386)767-7350

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting announcements and kick off by Chairman. Sunshine Law review and legal responsibilities discussed. Board discussion will include planning for standing committees, Ad Hoc committees, board budget, board travel, and review of last year's strategic planning goals. Afternoon will be highlighted by the staff update for FY 2006/07 goals.

STRATEGIC PLANNING MEETING  
 DATE AND TIME: July 20, 2006, 8:00 a.m. – 5:00 p.m.

PLACE: The Shores Resort and Spa, Atlantic Room 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118, (386)767-7350

GENERAL SUBJECT MATTER TO BE CONSIDERED:

- Discussion of Long-term vision of SSOCOF
- Review Goal Development Process
- Identify Proposed Goals
- Obtain Board Consensus On Goals
- Assign Goals To Committees

BOARD AND COMMITTEE MEETINGS

DATE AND TIME: July 21, 2006, 8:00 a.m. – 5:00 p.m.  
 PLACE: The Shores Resort and Spa, Atlantic Room 2637 South Atlantic Avenue, Daytona Beach Shores, FL 32118, (386)767-7350

GENERAL SUBJECT MATTER TO BE CONSIDERED: Secretary's report followed by the Executive Directors report and consent agenda, General Counsel's legal report. Committee meetings and reports to begin at approximately 9:00 a.m. in the following order:

- Finance Committee
- Damage Prevention Committee
- Operations Committee
- Legislative Ad Hoc Committee
- Storm Planning Ad Hoc Committee
- Excavation Guide Ad Hoc Committee

Note: Any person requiring an accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000, at least five calendar days prior to the activity.

**FLORIDA MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION**

The **Florida Medical Malpractice Joint Underwriting Association** announces a Claims and Underwriting Committee meeting to which all persons are invited.

DATE AND TIME: Tuesday, July 25, 2006, 4:00 p.m.  
 PLACE: Sawgrass Marriott, Jacksonville, FL  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will receive and consider reports from the Association's General Counsel, General Manager, Servicing Carrier, and such other business properly brought before the Committee.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308

The **Florida Medical Malpractice Joint Underwriting Association** announces a Board of Governors meeting to which all persons are invited.

DATE AND TIME: Wednesday, July 26, 2006, 9:00 a.m.  
 PLACE: Sawgrass Marriott, Jacksonville, FL



GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will receive and consider quarterly reports from the Association's Investment Counsel, General Counsel, Servicing Carrier, Claims Committee, General Manager, and such other business properly brought before the Board.

A copy of the Agenda may be obtained two weeks prior to the meeting by writing: FMMJUA, 1836 Hermitage Blvd., Suite 201, Tallahassee, FL 32308.

**SECURE AIRPORTS FOR FLORIDA'S ECONOMY COUNCIL**

The **Secure Airports for Florida's Economy Council**, SAFE Council announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, July 27, 2006, 9:00 a.m. – until conclusion

PLACE: Great Egret Room, Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is one of two required annual meetings of the Council. Members will elect new officers for 2006/2007, appoint a new administrator, and discuss educational and research projects for the new year.

Additional information regarding the meeting may be obtained from: Mr. Steve Reich, (813)974-6435.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise Mr. Reich at least 48 hours before the meeting.

**FLORIDA HEALTHY KIDS CORPORATION**

The **Florida Healthy Kids** requests you please mark your calendar for the upcoming meetings regarding the Third Party Administrator Invitation to Negotiate (ITN). All meetings are subject to change. Modifications to this schedule will be posted on our website at [www.healthykids.org](http://www.healthykids.org)

Team Meeting

DATE AND TIME: Tuesday June 27, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Team Meeting

DATE AND TIME: Friday, June 30, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Team Meeting

DATE AND TIME: Monday, July 10, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Questions and Answers

DATE AND TIME: Wednesday, July 19, 2006, 2:00 p.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Questions and Answers

DATE AND TIME: Thursday, July 20, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Questions and Answers

DATE AND TIME: Friday, July 21, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Team Meeting

DATE AND TIME: Tuesday, August 1, 2006, 9:00 a.m. – until completion

PLACE: Location to be Announced

Team Meeting

DATE AND TIME: Tuesday, August 8, 2006, 9:00 a.m. – until completion

PLACE: Location to be Announced

Team Meeting

DATE AND TIME: Tuesday, August 15, 2006, 9:00 a.m. – until completion

PLACE: Location to be Announced

Team Meeting

DATE AND TIME: Tuesday, September 12, 2006, 10:00 a.m. – until completion

PLACE: 661 East Jefferson Street, 2nd Floor, Tallahassee, Florida 32301

Contact: Amber Floyd, [floyda@healthykids.org](mailto:floyda@healthykids.org) or by phone (850)701-6166, to confirm your attendance for any of these meetings.

**FLORIDA INDEPENDENT LIVING COUNCIL**

The **Florida Independent Living Council** announces the following meetings to which all interested persons are invited.

MEETING: FILC and FACIL Executive Committees Meeting  
DATE AND TIME: July 31, 2006, 1:00 p.m.

PLACE: Radisson Resort Parkwa – Celebration, 2900 Parkway Boulevard, Kissimmee, FL 34747

MEETING: Planning Committee Meeting

DATES AND TIME: August 1-2, 2006, 9:00 a.m.

PLACE: Radisson Resort Parkway – Celebration, 2900 Parkway Boulevard, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

A copy of the agenda may be obtained by contacting the: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or toll free (877)822-1993.

Any person, who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

**COMMITTEE AND TASK FORCE MEETINGS:** Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Beth Schultz at the council address.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105)

**AREA AGENCY ON AGING OF PASCO-PINELLAS**

The **Area Agency on Aging of Pasco-Pinellas**, Inc. for Planning and Service, Area 5, of the Florida Department of Elder Affairs, announces the following public hearing.

**PINELLAS COUNTY PUBLIC HEARING**

**DATE AND TIME:** Tuesday, August 1, 2006, 9:30 a.m. – 11:00 a.m.

**PLACE:** Citizens Alliance for Progress at the Union Academy Family Center, 401 E. Martin Luther King Jr. Dr., Tarpon Springs, Florida 34689. **GUEST SPEAKER:** Representative Gus Bilirakis.

**PASCO COUNTY PUBLIC HEARING**

**DATE AND TIME:** Wednesday, August 2, 2006, 9:30 a.m. – 11:00 a.m.

**PLACE:** Hudson Bayonet Point Senior Enrichment Center, 12417 Clock Tower Parkway, Hudson, FL 34667. **GUEST SPEAKER:** Representative John Legg.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Will present its 2007 Area Plan Update for the distribution of funds under the federal Older Americans Act of 1965, as amended, to projects providing services to the elderly residents of Pasco and Pinellas Counties.

To request more information or accommodations for persons with disabilities, contact: Sharon Ayers, Area Agency on Aging, 9887 4th Street, North, Suite 100, St. Petersburg, Florida 33702, or call (727)570-9696, ext 230, TDD (711), no later than July 24th.

**ENTERPRISE FLORIDA**

**Enterprise Florida**, Inc. announces a public meeting to which all persons are invited.

**MEETING:** Rural Economic Development Catalyst Project within Florida’s Northwest Rural Area of Critical Economic Concern.

**DATE AND TIME:** Wednesday, August 30, 2006, 9:00 a.m. – 12:00 Noon (CST)

**PLACE:** Panhandle Area Educational Consortium (PAEC), 753 West Boulevard, Chipley, FL 32428, (850)638-6131

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is the second meeting withing the Northwest Rural Area of Critical Economic Concern for Enterprise Florida’s new marketing opportunity that will be conducted within Florida’s three Rural Areas of Critical Economic Concern. This catalyst project will lead to the identification of top industry clusters within each of the three rural regions, the identification of regional sites, the development of a template for dispersing increased revenue, and a targeted marketing campaign.

If an accomodation is needed for a disability or physical impairment, please contact April Money, (850)488-9366, at least one (1) day prior to the activity. Persons who are hearing or speech impaired can contact the Florida Dual Party Relay System at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

**Section VII  
Notices of Petitions and Dispositions  
Regarding Declaratory Statements**

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE IS HEREBY GIVEN** that the Agency for Health Care Administration has issued a Final Order denying a Petition for Declaratory Statement received from McDermott, Will & Emery, LLP, on July 18, 2005, and supplemented on August 29, 2005. It was assigned the Number: 05-02DS.



A copy of the Final Order may be obtained by writing: Richard Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, MS #3, Tallahassee, Florida 32308.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**NOTICE OF CORRECTION** – The Electrical Contractors’ Licensing Board hereby gives notice that on, May 24, 2006, it received a Petition for Declaratory Statement filed by Michael P. Donaldson, Esquire, on behalf of Outdoor Lighting Perspectives Franchising, Inc. (OLP). The petition seeks the Board’s interpretation of Chapter 489, Florida Statutes, and Rule 61G6-7.001, F.A.C., and whether an OLP franchisee or OLP in its capacity as a franchiser is required to be licensed as an electrical or specialty contractor and if either OLP or a franchisee is required to be licensed, what specific category of licensure is appropriate.

The original Notice of Petition for Declaratory Statement published on June 23, 2006, in Vol. 32, No. 25, of the Florida Administrative Weekly.

Copies of the petition may be obtained from: Anthony B. Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0783.

The Board of Accountancy hereby gives notice that on June 12, 2006, a Petition for Declaratory Statement was filed by Linda W. Dufresne, CPA. The petition seeks the Board’s interpretation of Section 473.3205, Florida Statutes, and Rule 61H1-21.003, F.A.C., and whether the payment of a 1% fee to RFP Depot by a winning vendor is in violation of same.

Copies of the petition may be obtained from: John Johnson, Division Director, Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**INVITATION TO BID**

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF FORESTRY, hereinafter referred to as Owner, for the construction of building facilities at St. Lucie Forestry Station located on the east side of Peacock Road at the St. Lucie Fair Grounds in St. Lucie County which shall include all labor, equipment, materials necessary to construct the

building. This project was previously bid in January, 2006, but was rejected as being over budget. The revised project budget is: \$550,000.00.

**PROJECT NAME AND LOCATION:** Construction of a Building at St. Lucie Forestry Station, St. Lucie County, Florida.  
**SOLICITATION DOCUMENT:** The entire solicitation document, including plans and specifications, may be viewed and downloaded from the Vendor Bid System at <http://www.myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DF-06/07-02, or by calling the Purchasing Office at (850)487-3727.

**MANDATORY PRE-BID CONFERENCE/SITE VISIT:** Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on July 19, 2006, at 10:30 a.m., at the Division of Forestry, Ft. Pierce Forestry Station, 1025 Edwards Road, Ft. Pierce, Florida 34950. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Plans and engineering specifications will be available at the mandatory pre-bid conference/site visit.

**PUBLIC ENTITY CRIME INFORMATION STATEMENT:** A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

**DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES:** An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

**PERFORMANCE BOND:** A performance bond in the amount of one-hundred percent (100%) of the base bid price shall be required.

Sealed bids will be received, publicly opened and read aloud on:

**DATE AND TIME:** July 28, 2006, 2:00 p.m.

**PLACE:** Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

**CONTRACT AWARD:** The official Notice of Award Recommendation will be by electronic posting at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu). Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

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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 MANAGEMENT SERVICES**

**PUBLIC ANNOUNCEMENT**

**FOR MECHANICAL ENGINEERING SERVICES**

The Department of Management Services, Division of Real Estate Development and Management requests professional Mechanical Engineering Services for the project listed below.

**PROJECT NUMBER:** JB-26009000

**PROJECT NAME:** Air Conditioning Replacement, Supreme Court Building

**PROJECT LOCATION:** Tallahassee, Florida

**APPROXIMATE BUDGET:** \$2,500,000.00

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)

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**PUBLIC ANNOUNCEMENT**

**FOR STRUCTURAL ENGINEERING SERVICES**

The Department of Management Services, Division of Real Estate Development and Management requests professional Structural Engineering Services for the project listed below.

**PROJECT NUMBER:** JB-26011000

**PROJECT NAME:** Window Replacement State Office Building

**PROJECT LOCATION:** Tallahassee, Florida

**APPROXIMATE BUDGET:** \$3,500,000.00

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)

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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#### DEPARTMENT OF HEALTH

##### NOTICE TO PROFESSIONAL CONSULTANTS PROFESSIONAL SERVICES FOR ARCHITECTURE – ENGINEERING CONTINUING CONTRACT

The State of Florida, Department of Health, Division of Administration, Bureau of General Services, Office of Design and Construction announces that professional services are required for the project listed below. Applications are to be sent to: Margaret Nicolosi, Senior Architect, Florida Department of Health, Office of Design and Construction, 4052 Bald Cypress Way, Bin B-06, Tallahassee, Florida 32399-1734, (850)245-4444, ext. 3164.

PROJECT NUMBER: 20060003

PROJECT NAME: Architectural/Engineering Continuing Contract, South Florida Catchment Area

SERVICES TO BE PROVIDED: Architectural/Engineering Services

ESTIMATED CONSTRUCTION BUDGET: Multiple projects as required by the Department with individual project construction budgets estimated not to exceed \$1,000,000. Depending on development of projects and funding the possibility exists that the contract may expire with no projects being assigned. Work may include all aspects of Architectural projects and attendant Engineering to provide for construction of new facilities and additions to existing facilities (satellite County Health Department Facilities, support structures, etc.), repair and renovation to existing facilities, including but not limited to roofing work, code compliance modifications, reconfiguration of spaces, replacement of finishes, mechanical system modifications, electrical system modifications, site improvements and minor Studies (Study fee not to exceed \$50,000). Service Area shall be the South Florida Catchment area and other locations as determined to be in the best interests of the Department of Health. The South Florida Catchment area shall include the following counties: Broward, Collier, Dade, Martin, Monroe, and Palm Beach. For selection purposes, Miami will be the point used to calculate distance from Firm to site. Continuing Contracts selection is for a contract period of one year, renewable annually for up to two years at the discretion of the Department of Health.

RESPONSE DUE DATE: By 4:00 p.m., July 20, 2006 (Local Time)

INSTRUCTIONS: Submit three (3) bound copies of the following:

1. Letter of interest.
2. A modified copy of Department of Management Services Professional Qualifications Supplement [October 1997 Edition of the Professional Qualifications Supplement (PQS)]. A copy can be obtained from the Department of Health by calling (850)245-4066. All forms provided are mandatory for qualification. Substitutions and attachments are not acceptable.
3. A copy of the firm's Florida Professional License renewal. (Proper registration at the time of application is required.)
4. (CORPORATIONS ONLY) Current Corporate Certification providing evidence of validation date and the designation of professional or professionals qualifying the corporation to practice Architecture and/or Engineering.
5. Completed Standard Form 254.
6. Completed Standard Form 255.
  - In Article 8, Work by Firm or Joint-Venture Members, list only projects designed, under construction, and/or completed within the past five (5) years.
7. A stamped self-addressed envelope if you desire notice of selection results.

\* Applicants are urged to limit their submittal content to fifty (50) pages, excluding front and back covers and all section dividers. However, this is not a mandatory requirement.

All proposal information submitted becomes the property of the Department of Health, will be placed on file, and not returned. Applications that do not comply with the instructions set forth above and/or do not include the qualification data required will be considered improper and may be disqualified. Proposals submitted by qualified firms shall be evaluated in accordance with Section 287.055, Florida Statutes.

SHORTLIST SELECTION PROCESS: From the proposals received, the Department shall shortlist a minimum of three (3) firms.

The qualified, responsive Firm will be required to be registered with MyFloridaMarketPlace before a contract can be executed. However they will be exempt from the one per cent fee.

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#### AREA AGENCY ON AGING OF PASCO-PINELLAS

##### Notice of Request for Proposal Bidders Conference

Contingent upon the availability of funds, the Area Agency on Aging of Pasco-Pinellas, Inc. for Planning and Service Area 5 (Pasco and Pinellas Counties), will be contracting and is soliciting sealed proposals for Older Americans Act services for the period January 1, 2007 – December 31, 2007. Services are to be provided to persons 60+ years of age and older. Proposals are solicited for emergency alert response, caregiver

services for grandparents raising grandchildren and health promotion and medication management services in Pasco and Pinellas Counties. Specifications for proposals may be obtained at the bidder’s conference on:

August 11, 2006  
Area Agency on Aging of Pasco-Pinellas, Inc.  
Conference Room  
1:30 p.m. – 3:00 p.m.  
9887 4th Street, North  
St. Petersburg, FL 33702

or from Rachel Bryan at the Area Agency on Aging office beginning August 1st. Letters of Intent to submit a proposal are due on August 16, 2006. Sealed proposals are due by 3:00 p.m., on September 1, 2006 with openings immediately following. The Area Agency on Aging reserves the right to reject any and all proposals not complying with specifications and requested information.

**CITY OF ARCADIA**

**INVITATION TO BID**

NOTICE IS HEREBY GIVEN on this 7th day of July 2006, that the City of Arcadia, Florida, hereinafter called the OWNER, will receive sealed proposals (bids) up to the hour of 2:00 p.m., on the 8th day of August, 2006, for furnishing transportation, materials, equipment labor services, and supplies necessary to construct the project titled:

CITY OF ARCADIA  
SANITARY SEWER LINE REPLACEMENT

The project includes the mainline replacement of approximately 3,800 LF of 8-inch PVC gravity sewer pipe, mainline replacement of approximately 800 LF of 15-inch PVC gravity sewer pipe, and 11 manholes.

Bids will only be received at the office of the City Administrator, Arcadia City Hall Annex at 23 North Polk Avenue, Arcadia, Florida 34266, (863)494-4114. Bids will be opened on the 8th day of August, 2006 after 2:00 p.m.

Said bids shall conform to and be responsive to the CONTRACT DOCUMENTS for the PROJECT and must be accompanied by the security referred to therein.

Copies of the CONTRACT DOCUMENTS are on file and may be examined at the office of the ENGINEER, Boyle Engineering Corporation, 5971 Cattleridge Blvd., Suite 200, Sarasota, FL 34232 and at the Arcadia City Hall Annex.

Copies may be purchased at the office of the ENGINEER by payment of \$75.00 per set (non-refundable). Extra plan sheets may be purchased for \$2.00 per sheet. Extra pages from the project manual may be purchased for \$0.10 per sheet. No extra plan sheets or pages will be sold unless at least one complete set of the CONTRACT DOCUMENTS is purchased.

All questions about the meaning/intent of the CONTRACT DOCUMENTS must be submitted in writing before 10:00 a.m., July 28th, 2006, to: Todd Bosso, PE, Boyle Engineering

Corporation, 5971 Cattleridge Blvd., Suite 200, Sarasota, Florida 34232. Questions will be answered in accordance with Article 5 of the “Instructions to Bidders”.

Each bid or proposal shall be made out or submitted in duplicate on a form furnished as part of the CONTRACT DOCUMENTS, and must be accompanied by a cashier’s check, or certified check, or a bidder’s bond in the amount specified in the BID FORM, made payable to the Order of, or for the benefit of, the OWNER, as the case may be. Said check or bond shall be given as guarantee that the bidder will enter into a CONTRACT with the OWNER if awarded the WORK, and will be declared forfeited if the successful bidder refuses to enter into said contract.

The OWNER reserves the right to reject any and all bids and to waive any and all irregularity in any bid.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

DCA Final Order No.: DCA06-OR-146

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In Re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE  
COUNTY  
ORDINANCE NO. 007-2006

**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. 007-2006 (“Ord. 007-2006”).
3. The final order for this Ordinance must be signed by June 23, 2006.
4. The Ordinance amends Section 9.5-22 of the Monroe County Code regarding the Monroe County Planning Commission (“Commission”) to establish that after January 1, 2006, vacancies on the Commission shall be filled by nomination by the County Commissioner of the District who made the appointment for the current vacant position; requiring approval by a vote of three members of

the County Commission; providing new effective dates for appointments; allowing candidates with experience from the business community and other local industry; providing for nomination by the Mayor under certain conditions; allowing removal of a Planning Commissioner only by a vote of at least three members of the County Commission; establishing that Planning Commissioners serve at the pleasure of the Board of County commissioners; eliminating term limits; and providing for excused absences from Planning Commission meetings.

5. Ordinance 007-2006 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. 007-2006 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. 007-2006 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.
11. Ord. 007-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 007-2006 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 21st 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

Ty Symroski
Director
Growth Management Division
2798 Overseas Highway, Suite 400
Marathon, Florida 33050

DCA Order No. DCA06-OR-154

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT ADOPTED BY ISLAMORADA, VILLAGE OF ISLANDS ORDINANCE NO. 06-11

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 small scale comprehensive plan amendment adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

- 1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On June 13, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-11 ("Ord. No. 06-11"). The purpose of the Ordinance is to change the land use designation of a 3.47 acre parcel from Residential Low at 2 units per acre to Residential High at 6 units per acre.
3. Ord. 06-11 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

- 4. The Department is required to approve or reject elements of local comprehensive plans 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).
5. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. A small scale amendment is part of a local comprehensive plan.
7. All elements of local comprehensive plans enacted, amended, or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2005). See Rathkamp v. Department of Community Affairs, 21 F.A.L.R. 1902 (Dec. 4, 1998), aff'd, 740 So. 2d 1209 (Fla. 3d DCA

1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.

8. Ord. 06-11 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (b) To promote shoreline and marine resources, including mangroves, coral reef formations, sea grass beds, wetlands, fish, and wildlife and their habitat.
  - (c) To limit the adverse impacts of development on the quality of water throughout the Florida Keys.
  - (d) To enhance natural scenic resources, promote the aesthetic benefits of the natural environment, and ensure that development is compatible with the unique historic character of the Florida Keys.
  - (e) To protect the value, efficiency, cost-effectiveness, and amortized life of existing and proposed major public investments including:
    1. The Florida Keys Aqueduct and water supply facilities;
    2. Sewage collection and disposal facilities;
    3. Solid waste collection and disposal facilities;
    4. Key West Naval Air Station and other military facilities;
    5. Other utilities transportation facilities;
    6. Federal parks, wildlife refuges, and marine sanctuaries;
    7. State parks, recreation facilities, aquatic preserves, and other publicly owned properties;
    8. City electric service and the Florida Keys electric co-op.
    9. Other utilities, as appropriate.
  - (f) To make available affordable housing for all sectors of the population of the Florida Keys.
9. Ord. 06-11 is not inconsistent with the remaining Principles. Ord. 06-11 is consistent with the Principles for Guiding Development as a whole.
10. Ord. 06-11 is consistent with Chapter 9J-5, F.A.C., Chapter 163, Fla. Stat., (2005), and Chapter 380, Fla. Stat., (2005).
11. Ord. 06-11 is consistent with Islamorada, Village of Islands' local comprehensive plan.

WHEREFORE, IT IS ORDERED that Ord. 06-11 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

#### NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21



CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT’S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

Valerie J. Hubbard  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 27th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Chris Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DCA Final Order No.: DCA06-OR-150

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE  
COUNTY  
ORDINANCE NO. 016-2006

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 May 22, 2006, the Department received for review Monroe County Ordinance No. 016-2006 (“Ord. 016-2006”).
- 3. The final order for this Ordinance must be signed by July 20, 2006.
- 4. The purpose of the Ordinance is to amend the definition for the maximum sales price of affordable housing units to increase affordable housing opportunities and encourage the creation of diversified types of affordable housing necessary for the moderate and median-income residents and the critical workforce.
- 5. Ordinance 016-2006 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. 016-2006 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. 016-2006 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. 016-2006 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 016-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

**NOTICE OF ADMINISTRATIVE RIGHTS**

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR

PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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 27th 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-155

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: MONROE COUNTY LAND DEVELOPMENT  
REGULATIONS ADOPTED BY MONROE  
COUNTY  
ORDINANCE NO. 012-2006

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 May 26, 2006, the Department received for review Monroe County Ordinance No. 012-2006 ("Ord. 012-2006").
3. The final order for this Ordinance must be signed by June 23, 2006.
4. The Ordinance delays the acceptance of any applications for allocation of building permits while the land development regulations to implement the Tier System are being advertised.
5. Ordinance 012-2006 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. 012-2006 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. 012-2006 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.

11. Ord. 012-2006 is consistent with the Principles for Guiding Development as a whole.
12. Ord. 012-2006 is consistent with the Monroe County Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 012-2006 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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TRACY D. SUBER  
 State Planning Administrator  
 Division of Community Planning  
 Department of Community Affairs  
 2555 Shumard Oak Boulevard  
 Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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 27th 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

Ty Symroski  
 Director, Growth Management Division  
 2798 Overseas Highway, Suite 400  
 Marathon, Florida 33050

DCA Final Order No.: DCA06-OR-151

STATE OF FLORIDA  
 DEPARTMENT OF COMMUNITY AFFAIRS  
 In re: CITY OF MARATHON LAND DEVELOPMENT  
 REGULATIONS ADOPTED BY  
 ORDINANCE NO. 2006-06

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), rejecting 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 the City of Marathon is a local government within the Florida Keys Area.
2. On April 25, 2006, the Department received for review City of Marathon Ordinance No. 2006-06 ("Ord. 2006-06").
3. The Final Order for this Ordinance must be signed by June 23, 2006.
4. The purpose of Ord. 2006-06 is to amend Section 9.5-4, the definition section of the City of Marathon's Land Development Regulations, by adding the term "Conditional Redevelopment Unit." The term describes the reduction in density that is required as a result of the increase in cars that are brought to a resort when hotels or motels are redeveloped into suites and made larger by adding bedrooms. The proposed Ordinance would allow the Conditional Redevelopment Units to be used onsite as affordable housing.

5. Ord. 2006-06 is inconsistent with the City's 2010 Comprehensive Plan, Objective 1-2.2, that requires the City to maintain a 24 hour hurricane evacuation time.

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. The City of Marathon 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. 2006-06 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. 2006-06 promotes and furthers the following Principle:
  - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
11. Ord. 2006-06 is inconsistent with 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.
  - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural or manmade disaster and for a post disaster reconstruction plan.
  - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.
12. Ord. 2006-06 is neutral in effect on the remaining Principles.
13. Ord. 2006-06 is inconsistent with the City's Comprehensive Plan.

WHEREFORE, IT IS ORDERED that Ord. 2006-06 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

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 27th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Cindy Ecklund, City Clerk  
 City of Marathon  
 10045-55 Overseas Highway  
 Marathon, Florida 33050

Mike Puto  
 Acting City Manager  
 City of Marathon  
 10054-55 Overseas Highway  
 Marathon, Florida 33050

John Herin, Esq.  
 Stearns Weaver Miller Weissler  
 Alhadeff & Sitterson, P.A.  
 Suite 2200 Museum Tower  
 150 West Flagler Street  
 Miami, Florida 33130

DCA Final Order No.: DCA06-OR-147

STATE OF FLORIDA  
 DEPARTMENT OF COMMUNITY AFFAIRS  
 In re: CITY OF MARATHON LAND DEVELOPMENT  
 REGULATIONS  
 ADOPTED BY ORDINANCE NO. 2006-05

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), partially approving and partially rejecting 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 the City of Marathon is a local government within the Florida Keys Area.
2. On April 26, 2006, the Department received for review City of Marathon Ordinance No. 2006-05 (“Ord. 2006-05”).
3. The Final Order for this Ordinance must be signed by June 23, 2006.
4. The purpose of Ord. 2006-05 is to amend the Residential Rate of Growth regulations set forth at Sections 9.5-124, 9.5-125, and 9.5-127. The Ordinance amends the residential building permit allocation to facilitate and encourage affordable/workforce housing and middle-income housing in the City of Marathon by allowing one-half of a ROGO allocation for a smaller unit. The Ordinance provides that any unused market rate unit allocations will annually be converted to affordable

housing unit allocations if not utilized during the ROGO (Rate of Growth Ordinance) year. Each year, twenty percent (6 units) of the thirty units issued by the City are held for affordable housing. The Ordinance deletes a section that previously assigned the affordable housing set aside to the Monroe County Land Authority. A land trust has been established and the City has the option to provide the units to individuals or to select from any non-profit that wishes to assist in providing housing. The Ordinance extends the time length of the deed restriction for an affordable housing unit from twenty years to fifty years. The Ordinance allows for fractional ROGO allocations (50 percent) for units that are less than 750 square feet in size. Units that are greater than 750 square feet will require a full allocation and the construction size will be limited to 1500 square feet of conditioned space.

5. The Ordinance implements Policy 2-1.1.7 of the Marathon plan. Section 9.5-125(c)(3) is inconsistent with the City’s Comprehensive Plan, Policy 1-3.2.7, Table 1-1, Future Land Use Densities and Intensities. The table describes development in terms of dwelling units per acre. The comprehensive plan does not address half allocations and no basis has been provided for half of an allocation. No data or analysis has been provided that addresses how the use of half an allocation will influence hurricane evacuation.

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. The City of Marathon 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. 2006-05 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. 2006-05 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.
11. Ord. 2006-05, Section 9.5-125(c)(3), is inconsistent with Principles:
    - (k) To provide adequate alternatives for the protection of public safety and welfare in the event of a natural disaster or manmade disaster and for a post disaster reconstruction plan.
    - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.
  12. Section 9.5-125(c)(3) of Ord. 2006-05 is inconsistent with the City’s Comprehensive Plan, Policy 1-3.2.7, Table 1-1, Future Land Use Densities and Intensities.
  13. With the exception of Section 9.5-125(c)(3), Ord. 2006-05 is not inconsistent with the remaining Principles and is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that, with the exception of Section 9.5-125(c)(3), Ord. 2006-05 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED. Section 9.5-125(c)(3) is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

\_\_\_\_\_  
 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 27th day of June, 2006.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable John Bartus, Mayor  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

Cindy Ecklund, City Clerk  
City of Marathon  
10045-55 Overseas Highway  
Marathon, Florida 33050

Mike Puto  
Acting City Manager  
City of Marathon  
10054-55 Overseas Highway  
Marathon, Florida 33050

John Herin, Esq.  
Stearns Weaver Miller Weissler  
Alhadeff & Sitterson, P.A.  
Suite 2200 Museum Tower  
150 West Flagler Street  
Miami, Florida 33130

DCA Order No. DCA06-OR-152

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS  
ORDINANCE NO. 06-08

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On May 5, 2006, the Department received for review Islamorada, Village of Islands Ordinance No. 06-08 ("Ord. No. 06-08") adopted by the Village on April 27, 2006. The purpose of the Ordinance is to amend Division 2 Zoning Districts of Article V, Chapter 30 of the Village Code to allow for schools as permitted in the Highway Commercial zoning district, and to amend Article II Rules of Construction and Definitions, Chapter 30 of the Village Code to provide for a definition for schools.
3. The Ordinance defines Schools to mean a public, private, charter or parochial school offering instruction at the elementary, junior and/or senior high school levels in the branches of learning and study required to be taught in the public schools of the state.
4. Ord. 06-08 is consistent with the Village Comprehensive Plan.



CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2005).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2005), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
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. 06-08 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 (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2005). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 06-08 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.
10. Ord. 06-08 is not inconsistent with the remaining Principles. Ord. 06-08 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-08 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S

ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

\_\_\_\_\_  
TRACY D. SUBER  
STATE PLANNING ADMINISTRATOR  
Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

**CERTIFICATE OF FILING AND SERVICE**

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 22nd day of June, 2006.

\_\_\_\_\_  
Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Chris Sante, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
Nancy Stroud, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

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, Champion Bus, Inc., intends to allow the establishment of Bus Group Florida, Inc., as a dealership for the sale of Champion buses, at 1150 Jetport Drive, Orlando (Orange County), Florida 32809, on or after June 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Bus Group Florida, Inc., are dealer operator(s): Eugene Hotard, 983 Lakeshore Boulevard, Slidell, Louisiana 70461; principal investor(s): Eugene Hotard, 983 Lakeshore Boulevard, Slidell, Louisiana 70461.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Resnik, V.P. and General Manager, Champion Bus, Inc., 331 Graham Road, P. O. Box 158, Imlay City, Michigan 48444.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Big Dog Motorcycles, LLC, intends to allow the establishment of Motorsports of Fort Myers, Inc., d/b/a Harley-Davidson of Fort Myers, as a dealership for the sale of Big Dog motorcycles, at 2160 Colonial Boulevard, Fort Myers (Lee County), Florida 33907, on or after June 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports of Fort Myers, Inc., d/b/a Harley-Davidson of Fort Myers, are dealer operator(s): J. Scott Fisher, 2160 Colonial Boulevard, Fort Myers, Florida 33907; principal investor(s): J. Scott Fisher, 2160 Colonial Boulevard, Fort Myers, Florida 33907.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Nick Messer, President, Big Dog Motorcycles, LLC, 1520 East Douglas Avenue, Wichita, Kansas 67214.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Big Dog Motorcycles, LLC, intends to allow the establishment of Motorsports of Naples, Inc., d/b/a Harley-Davidson of Naples, as a dealership for the sale of Big Dog motorcycles, at 3645 Gateway Lane, Naples (Collier County), Florida 34109, on or after June 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Motorsports of Naples, Inc., d/b/a Harley-Davidson of Naples are dealer operator(s): J. Scott Fisher, 3645 Gateway Lane, Naples, Florida 34109, and Mary

Fisher, 3645 Gateway Lane, Naples, Florida 34109; principal investor(s): J. Scott Fisher, 3645 Gateway Lane, Naples, Florida 34109, and Mary Fisher, 3645 Gateway Lane, Naples, Florida 34109.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Nick Messer, President, Big Dog Motorcycles, LLC, 1520 East Douglas Avenue, Wichita, Kansas 67214.

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 American Lifan Industry, Inc., intends to allow the establishment of Clifton Warning d/b/a Scooter King Motor Sports, as a dealership for the sale of Chongqing Lifan Industry Group (CHOL) motorcycles, at 602 South State Street, Bunnell (Flagler County), Florida 32110, on or after May 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Clifton Warning d/b/a Scooter King Motor Sports, are dealer operator(s): Clifton Warning, 602 South State Street, Bunnell, Florida 32110; principal investor(s): Clifton Warning, 602 South State Street, Bunnell, Florida 32110.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, 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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

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 Americas, Inc. ("Piaggio"), intends to allow the establishment of Florida Motorsports of Tallahassee, Inc., d/b/a Florida Motorsports, as a dealership for the sale of Piaggio and Vespa motorcycles, at 2463 Greer Road, Tallahassee (Leon County), Florida 32308, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Florida Motorsports of Tallahassee, Inc., d/b/a Florida Motorsports, are dealer operator: Kent Johnson, 2463 Greer Road, Tallahassee, Florida 32308; principal investor(s): Kent Johnson, 2463 Greer Road, Tallahassee, Florida 32308.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, 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.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Power Sports Factory, Inc., intends to allow the establishment of Discount Scooters as a dealership for the sale of Yamati and QianJiang motorcycles, at 5908 North Armenia Avenue, Tampa (Hillsborough County), Florida 33604, on or after June 15, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Discount Scooters are dealer operator(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33604; principal investor(s): Brooke Gentile, 5908 North Armenia Avenue, Tampa, Florida 33604.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Steve Rubakh, President, Power Sports Factory, Inc., 6950 Central Highway, Pennsauken, New Jersey 08109.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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, A & A Scooter, Inc., intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of Chongqing Lifan Industry

Group (CHOL) motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after June 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc., are dealer operator(s): Bruce Freidlander, 6022 South Tamiami Trail, Sarasota, Florida 34321; principal investor(s): Bruce Freidlander, 6022 South Tamiami Trail, Sarasota, Florida 34321.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Moises Martinez, Sales Manager, A & A Scooters, 11639 Emerald Street, Suite 100, Dallas, Texas 75229.

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 Hyosung Motors America, Inc., intends to allow the establishment of Axis Powersports as a dealership for the sale of Hyosung motorcycles at 3131 East Gulf to Lake Highway, Inverness (Citrus County), Florida 34453, on or after May 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Axis Powersports are dealer operators: Mark G. Muscott, 4235 East Benthall Court, Hernando, Florida 34442 and Billie-Jo Muscott, 4235 East Benthall Court, Hernando, Florida 34442; principal investor(s): William H. Ogle, III, 4301 East Tennessee Lane, Hernando, Florida 34442.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, 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: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

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, Hyosung Motors America, Inc., intends to allow the establishment of MoJo PowerSports, Inc., d/b/a GekGo Scooters, as a dealership for the servicing of Hyosung motorcycles at 101 First Avenue Southwest, Largo (Pinellas County), Florida 33770, on or after May 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of MoJo PowerSports, Inc., d/b/a GekGo Scooters, are dealer operator(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770; principal investor(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

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 Hyosung Motors America, Inc., intends to allow the establishment of Two Oceans Moped Rental as a dealership for the sale of Hyosung motorcycles at 1910 North Roosevelt Boulevard, Key West (Monroe County), Florida 33040, on or after May 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Two Oceans Moped Rental are dealer operator: Dennis P. Saviano, 11498 Heather Wood Court, Shelby Township, Michigan 48315; principal investor(s): Dennis P. Saviano, 11498 Heather Wood Court, Shelby Township, Michigan 48315.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, 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: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Hyosung Motors America, Inc., intends to allow the establishment of MoJo PowerSports, Inc., d/b/a GekGo Scooters & MoJo Scooters, as a dealership for the sale of Hyosung motorcycles at 707 West Bay Drive, Largo (Pinellas County), Florida 33770, on or after May 26, 2006.

The name and address of the dealer operator(s) and principal investor(s) of MoJo PowerSports, Inc., d/b/a GekGo Scooters & MoJo Scooters, are dealer operator(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770; principal investor(s): Peter M. Spoto, 707 West Bay Drive, Largo, Florida 33770.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Edward Park, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Subaru of America, Inc./South Central Region, intends to allow the establishment of Lender Services, Inc., d/b/a Eddie Mercer Subaru, as a dealership for the sale of Subaru vehicles at 7050 Pensacola Boulevard, Pensacola (Escambia County), Florida 32505, on or after August 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Lender Services, Inc., d/b/a Eddie Mercer Subaru, are dealer operator(s): Eddie Mercer, 7050

Pensacola Boulevard, Pensacola, Florida 32505; principal investor(s): Eddie Mercer, 7050 Pensacola Boulevard, Pensacola, Florida 32505.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: John Thamert, Regional Business Management Manager, Subaru of America, Inc./South Central Region, 220 The Bluffs, 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.

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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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### **STATE BOARD OF ADMINISTRATION**

#### Legal Notice

The State Board of Administration of Florida (SBA), on behalf of the Florida Hurricane Catastrophe Fund (FHCF), hereby gives notice that moneys owed to Southern Family Insurance Company (NAIC #10661), Atlantic Preferred Insurance Company (NAIC #10902), and/or Florida Preferred Property Insurance Company (NAIC #11577) by the FHCF, if any, may be payable to Reinsurers and/or Financial Institutions. Claim filing information is available on the FHCF website: [www.sbafla.com/fhcf](http://www.sbafla.com/fhcf) under "What's New." Claims must be filed with and received by the FHCF no later than 5:00 p.m. (ET), on July 28, 2006. For additional information, contact Tracy L. Allen, Sr. Attorney, FHCF, (850)413-1341.

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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 draft of the 2006 Health Services Manual for review and comment at: <http://www.djj.state.fl.us/manuals/manualreview.html>

Please note that earlier notices published in the Florida Administrative Weekly on June 2 and 9, 2006, indicated that the above referenced manual would be available on the Department's website on those dates. Due to unexpected delays, the manual will not be available for review and comment until July 7 (date of this publication).

The 2006 Health Services Manual is a document that addresses the comprehensive physical health care of youth who are in the custody of the Department of Juvenile Justice. The manual addresses the continuum of medical services for our youth, inclusive of the CINS/FINS shelters, facility based community corrections programs, secure detention centers and residential commitment programs. Due to the unique nature of health care, the manual has been written to address the various medical needs of these youth in accordance with national standards, as well as the requirements of the Florida Department of Juvenile Justice. The goal is that youth in the care and custody of the Department will receive a continuum of services that reflect the complex needs of this population. A second goal is that health care providers, direct care staff and management at all levels will understand that the health care provided to these youth must be in accordance with current clinical guidelines and at a level commensurate with the services they would receive in the community. Please bear in mind that this document continues to be a work in progress with additional editing occurring while it is posted for review and comments.

The revised manual is being posted for a single 20 working day review and comment period. The closure date for submission of comments on the manual is August 3, 2006. Comments should be sent to the person identified on the above Website utilizing the Matrix of Comments.

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### **DEPARTMENT OF HEALTH**

NOTICE OF THE AVAILABILITY OF THE 2006-2007 TRAUMA CENTER LETTER OF INTENT PACKAGE  
 NAME OF AGENCY: Department of Health (DH)  
 PACKAGE TITLE: Florida Trauma Center Letter of Intent Package

**PURPOSE AND EFFECT:** DH is mandated by Section 395.4025(2)(a), Florida Statutes, to notify Florida licensed acute care hospitals of their right to submit a Letter of Intent, DH Form 1840, to apply to become a trauma center.

**ELIGIBILITY:** Florida licensed acute care hospitals are eligible to apply.

**AUTHORITY:** Section 395.4025(2)(a), Florida Statutes.

**TO OBTAIN A PACKAGE:** You may request a Letter of Intent package by telephone, fax, or mail, or in person.

Telephone: (850)245-4444, ext. 2756 or Suncom 205-4440.

Fax: (850)488-2512.

Mail request to, or pick up in person at: Florida Department of Health, Division of Emergency Operations, Office of Trauma, 4052 Bald Cypress Way, Bin C-18 Tallahassee, FL 32399-1738.

**DEADLINE:** Letters of Intent must be postmarked between September 1, 2006, and midnight, October 1, 2006.

**CONTACTS:** Bernadette Behmke or Susan McDevitt, (850)245-4440 or Suncom 205-4440.

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On June 26, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Keely O'Steen Stewart, R.N., license number RN 3148202. 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 26, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the licenses of Jill Allison Bennett, R.N. license numbers RN 9230046 and PN 5152726. 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 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 Robert J. Russell, D.C., license number CH 6142. 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 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 Heather Anne O'Brian, R.N. license number RN 3416372. 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 23, 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 Madonna J. Hughes Otto, L.P.N. license number PN 0924151. 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 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 Vanesa La'Shea Robinson, R.Ph., license number PS 20171. 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 23, 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 Michelle M. Salkey, R.Ph., license number PS 23286. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.



On June 23, 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 Russell A. Patti, Jr., R.Ph., license number PS 30759. 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.

**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.

**FINANCIAL SERVICES COMMISSION**

**NOTICE OF FILINGS**

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services

Office, Office of Financial Regulation, 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 28, 2006):

APPLICATION TO MERGE

Constituent Institutions: Power 1 Credit Union, Pembroke Pines, Florida, and Pan Am Horizons Federal Credit Union, Miami, Florida

Resulting Institution: Power 1 Credit Union

Received: June 23, 2006

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Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at <http://www.fldfs.com/ofr/banking/cufm.asp>.

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, 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., June 2, 2006):

Name and Address of Applicant: Bay Credit Union, Post Office Box 2239, Panama City, Florida 32402

Expansion Includes: Geographic

Received: June 23, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN June 19, 2006  
 and June 23, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF LEGAL AFFAIRS**

2-37.010	6/21/06	7/11/06	32/20	
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Agricultural Environmental Services**

5E-14.149	6/23/06	7/13/06	32/5	32/22
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**Division of Fruit and Vegetable Inspection**

5G-5.001	6/22/06	7/12/06	32/10	32/16
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**DEPARTMENT OF EDUCATION**

**Commission for Independent Education**

6E-2.002	6/20/06	7/10/06	31/50	32/14
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6E-2.004	6/20/06	7/10/06	32/18	
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6E-2.0061	6/20/06	7/10/06	32/6	
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**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Bo**

19B-4.005	6/23/06	7/13/06	32/20	
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19B-16.003	6/23/06	7/13/06	32/20	
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19B-16.005	6/23/06	7/13/06	32/20	
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**DEPARTMENT OF CORRECTIONS**

33-601.305	6/20/06	7/10/06	32/13	
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33-601.313	6/21/06	7/11/06	32/17	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

40D-1.002	6/23/06	7/13/06	32/13	32/19
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40D-1.002	6/23/06	7/13/06	32/13	32/19
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**South Florida Water Management District**

40E-6.011	6/22/06	7/12/06	32/8	
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40E-6.021	6/22/06	7/12/06	32/8	
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40E-6.051	6/22/06	7/12/06	32/8	
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40E-6.311	6/22/06	7/12/06	31/8	
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40E-7.511	6/22/06	7/12/06	32/8	
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40E-7.520	6/22/06	7/12/06	32/8	32/21
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40E-7.521	6/22/06	7/12/06	32/8	
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40E-7.523	6/22/06	7/12/06	32/8	
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40E-7.525	6/22/06	7/12/06	32/8	
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40E-7.526	6/22/06	7/12/06	32/8	
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40E-7.527	6/22/06	7/12/06	32/8	32/21
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40E-7.528	6/22/06	7/12/06	32/8	
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40E-7.529	6/22/06	7/12/06	32/8	
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40E-7.530	6/22/06	7/12/06	32/8	
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40E-7.532	6/22/06	7/12/06	32/8	
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40E-7.534	6/22/06	7/12/06	32/8	
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40E-7.535	6/22/06	7/12/06	32/8	
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40E-7.537	6/22/06	7/12/06	32/8	
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40E-7.538	6/22/06	7/12/06	32/8	32/21
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40E-7.5381	6/22/06	7/12/06	32/8	32/21
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40E-7.5382	6/22/06	7/12/06	32/8	32/21
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40E-7.5383	6/22/06	7/12/06	32/8	32/21
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40E-7.5384	6/22/06	7/12/06	32/8	32/21
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40E-7.539	6/22/06	7/12/06	32/8	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.	Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
<b>DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION</b>									
<b>Florida Real Estate Commission</b>									
61J2-3.009	6/20/06	7/10/06	32/19		67-51.003	6/20/06	7/10/06	32/15	
61J2-24.006	6/20/06	7/10/06	32/19		67-51.004	6/20/06	7/10/06	32/15	
<b>DEPARTMENT OF ENVIRONMENTAL PROTECTION</b>					<b>DEPARTMENT OF FINANCIAL SERVICES</b>				
					<b>Division of State Fire Marshal</b>				
62-620.100	6/20/06	7/10/06	32/8		69A-60.004	6/22/06	7/12/06	32/12	
62-620.100	6/19/06	6/19/06	32/19						
62-620.200	6/20/06	7/10/06	32/8		<b>Division of Treasury</b>				
62-620.625	6/20/06	7/10/06	32/8		69C-6.003	6/19/06	7/9/06	32/17	
62-620.910	6/20/06	7/10/06	32/8						
<b>FLORIDA HOUSING FINANCE CORPORATION</b>									
67-51.001	6/20/06	7/10/06	32/15						
67-51.002	6/20/06	7/10/06	32/15						

Section XIV
List of Rules Affected

This "List of Rules Affected" is a cumulative list of all rules which have been proposed but not filed for adoption. Beginning with the February 2, 1996 issue, the list will be published monthly for the period covering the last 8 weeks.

- w - Signifies Withdrawal of Proposed Rule(s)
c - Rule Challenge Filed
v - Rule Declared Valid
x - Rule Declared Invalid
d - Rule Challenge Dismissed
dw - Dismissed Upon Withdrawal

Rule No. Proposed Vol./No. Amended Vol./No. Adopted Vol./No.

STATE

Table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 1B-11.004, 1B-24.002, 1S-2.037, 1S-2.042, IT-1.001.

LEGAL AFFAIRS

Table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 2-37.010, 2-41.001, 2A-8.005.

BANKING AND FINANCE

Table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 3E-48.005, 3F-5.0015, 3F-5.0035, 3F-5.004, 3F-5.006, 3F-5.008.

INSURANCE

Table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 4-138.047, 4-149.203, 4-149.204, 4-149.205, 4-149.206, 4-149.207, 4-154.201, 4-154.202.

Rule No. Proposed Vol./No. Amended Vol./No. Adopted Vol./No.

Main table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 4-154.203, 4-154.204, 4-154.210, 4-154.525, 4-166.045, 4-176.013, 4-200.007, 4-211.031, 4-228.055, 4A-3.002, 4A-21.115, 4A-41.108, 4A-62.0001, 4A-62.001, 4A-62.002, 4A-62.003, 4A-62.006, 4A-62.007, 4A-62.020, 4A-62.021, 4A-62.022, 4A-62.023, 4A-62.030, 4A-62.031, 4A-62.032, 4A-62.033, 4A-62.034, 4A-62.035, 4A-62.036, 4A-62.040, 4A-62.041, 4A-62.042, 4A-62.043, 4A-62.044, 4A-62.045, 4C-6.003, 4C-40.0055, 4L-24.0231.

AGRICULTURE AND CONSUMER SERVICES

Table with 4 columns: Rule No., Proposed Vol./No., Amended Vol./No., Adopted Vol./No. Rows include 5-1, 5B-2.010, 5B-57.001, 5B-57.002, 5B-57.007, 5B-57.011, 5B-58.001, 5B-58.001(16), 5B-62.001, 5B-62.002, 5B-62.003, 5B-62.004, 5B-62.005.



Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
6J-1.001	32/26			9B-43.013	32/4	32/12	32/20
6J-1.002	32/26			9B-43.014	32/4	32/12	32/20
6J-1.003	32/26			9B-72.005	30/26		
6J-1.004	32/26			9B-72.010	30/26		
6J-1.005	32/26			9B-72.030	30/26		
6J-1.006	32/26			9B-72.040	30/26		
6J-1.007	32/26			9B-72.045	30/26		
6L-1.001	28/12			9B-72.050	30/26		
6L-1.002	28/12			9B-72.060	30/26		
6L-1.004	28/12			9B-72.070	30/26		
6L-1.005	28/12			9B-72.080	30/26		
6L-1.006	28/12			9B-72.090	30/26		
6L-1.007	28/12			9B-72.100	30/26		
6L-1.008	28/12			9B-72.130	30/26		
6L-1.009	28/12			9B-72.135	30/26		
6L-1.010	28/12			9B-72.160	30/26		
6L-1.011	28/12			9G-2.002	32/17		
6L-1.012	28/12			9J-5.0055	18/40		
6L-1.013	28/12			9K-8.011	28/13		
6M-7.0055	30/26						
COMMUNITY AFFAIRS				HEALTH AND REHABILITATIVE SERVICES			
9B-1.002	31/30			10-5.011(1)(v)	15/46c		
9B-1.003	31/30			10M-9.026	22/1		
9B-1.004	31/30			10M-9.045	22/1		
9B-1.006	31/30			LAW ENFORCEMENT			
9B-1.007	31/30			11B-27.006	27/17		
9B-1.009	31/30			11B-30.014	19/40		
9B-1.0095	31/30			REVENUE			
9B-1.010	31/30			12-1	32/2c		
9B-1.016	31/30				32/2c		
9B-1.017	31/30			12-18.003	32/2		
9B-1.020	31/30			12-18.004	32/2		
9B-1.0211	31/30			12-24.022	28/4		
9B-1.0221	31/30			12AER06-5			32/27
9B-1.028	31/30			12A-6.038	29/17		
9B-1.030	31/30			12A-15.003	32/2		32/21
9B-3.053	31/45			12A-15.011	32/2	32/15	32/21
9B-43.003		25/18	32/20	12A-16.008	32/2	32/15	
	32/4	32/12	32/20	12A-17.005	32/2		
9B-43.0031	32/4	32/12	32/20	12BER06-1			32/25
9B-43.004		25/18	32/20	12BER06-2			32/25
	32/4	32/12	32/20	12BER06-3			32/25
9B-43.0041	32/4	32/12	32/20	12BER06-4			32/25
9B-43.005	32/4	32/12	32/20	12B-7.0225	32/25		
9B-43.0051	32/4	32/12	32/20	12B-8	23/8c		
9B-43.006		25/18	32/20	12B-8.001	32/2	32/9	32/24
	32/4	32/12	32/20	12B-8.0012	32/2		32/24
9B-43.0061	32/4	32/12	32/20	12B-8.003	32/2		32/24
9B-43.007	32/4	32/12	32/20	12C-2.0115	32/2	32/5	
9B-43.0071	32/4	32/12	32/20	12C-3.008	32/2		
9B-43.009	32/4	32/12	32/20	12E-1.012	32/25		
9B-43.010	32/4	32/12	32/20				
9B-43.012	32/4	32/12	32/20				

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
TRANSPORTATION				19B-15.009	28/8		
14-1	31/32c			19B-15.010	28/8		
	32/2c			19B-15.011	28/8		
	32/2c			19B-16.003	32/20		32/27
14-15.003	26/46			19B-16.005	32/20		32/27
14-15.0081	32/17			CITRUS			
14-57.014	32/25			20-9.002	32/16		
14-96.0011		28/49	32/26	20-65.002	32/23		
	32/19		32/26	20-65.004	32/23		
14-96.007	32/19		32/26	20-65.005	32/23		
14-96.011		28/49	32/26	20-72.008	31/28		
	32/19		32/26	PROFESSIONAL REGULATION			
HIGHWAY SAFETY AND MOTOR VEHICLES				21M-49.002	19/6c		
15B-13.001	32/27			21M-50.002	19/6c		
ENVIRONMENTAL REGULATION				21M-50.003	19/6c		
17-503.420	16/15			21M-50.007	19/6c		
17-503.430	16/15			21M-50.009	19/6c		
17-503.500	16/15			FLORIDA PAROLE COMMISSION			
17-660.300	15/50	16/8		23-21	32/23c		
17-671.100	15/32			23-21.001	32/6		
17-671.200	15/32			23-21.002	32/6		
17-671.300	15/32			23-21.003	32/6		
17-671.310	15/32			23-21.004	32/6	32/25	
BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND				23-21.0051	32/6		
18-21.003	31/27c			23-21.0052	32/6		
18-21.003(23)	31/16c			23-21.006	32/6		
18-21.004	25/48	25/50		23-21.007	32/6		
18-21.011	31/16c			23-21.008	32/6		
	31/27c			23-21.010	32/6		
STATE BOARD OF ADMINISTRATION				23-21.011	32/6		
19ER06-1			32/21	23-21.012	32/6		
19ER06-2			32/23	23-21.013	32/6		
19ER06-3			32/23	23-21.014	32/6		
19ER06-4			32/26	23-21.015	32/6		
19-8.010	32/26			23-21.0155	32/6		
19-8.013	32/26			23-21.016	32/6		
19-8.028	32/15		32/26	23-21.0161	32/6		
19-15.001	32/26			23-21.0165	32/6		
19B-4.005	32/20		32/27	23-21.017	32/6		
19B-15.001	28/8			23-21.018	32/6		
19B-15.002	28/8			23-21.019	32/6		
19B-15.003	28/8			23-21.020	32/6		
19B-15.004	28/8			23-21.021	32/6		
19B-15.005	28/8			23-21.022	32/6		
19B-15.006	28/8			PUBLIC SERVICE COMMISSION			
19B-15.007	28/8			25-6.022	32/18		32/26
19B-15.008	28/8			25-6.034	32/27		
				25-6.0341	32/27		
				25-6.0342	32/27		





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40D-4.091	22/48 25/3			40E-7.672	32/8	32/22 32/23	
40D-6.521	24/50			40E-7.673	32/8	32/22 32/23	
40D-8.041	32/1 32/19			40E-7.674	32/8	32/22 32/23	
40D-8.624	32/19			40E-7.675	32/8	32/22 32/23	
40D-8.626	32/19						
40D-80.074	32/19						
40E-1.021	32/18	32/27		40E-7.676	32/8		
40E-1.5095	32/18			40E-7.677	32/8		
40E-1.511	32/18			40E-7.678	32/8		
40E-1.603	32/18			40E-20.651	29/17		
40E-1.6058	32/18			40E-61.020	32/18		
40E-1.6065	32/18			40E-61.031	32/18		
40E-1.6105	32/18			40E-61.042	32/18		
40E-1.6107	32/18			40E-61.321	32/18		
40E-1.615	32/18			40E-61.381	32/18		
40E-4.021	32/18	32/27		40E-63.223	27/2	27/9	
40E-4.091	29/50c 32/18			40E-400.211	32/18		
40E-4.101	32/18			40E-400.475	32/18		
40E-4.321	32/18						
40E-4.381	32/18						
40E-6.011	32/8		32/27				
40E-6.021	32/8		32/27	42CC-1.002	32/27		
40E-6.051	32/8		32/27	42RR-1.002	32/8		32/22
40E-6.311	31/8		32/27	42YY-1.002	32/15		
40E-7.511	32/8		32/27				
40E-7.520	32/8	32/21	32/27				
40E-7.521	32/8		32/27				
40E-7.523	28/39 32/8		32/27	53ER06-12			32/11
40E-7.525	32/8		32/27	53ER06-13			32/11
40E-7.526	32/8		32/27	53ER06-14			32/13
40E-7.527	32/8	32/21	32/27	53ER06-15			32/13
40E-7.528	32/8		32/27	53ER06-16			32/13
40E-7.529	32/8		32/27	53ER06-17			32/13
40E-7.530	32/8		32/27	53ER06-18			32/13
40E-7.532	28/39 32/8		32/27	53ER06-19			32/15
40E-7.534	32/8		32/27	53ER06-20			32/15
40E-7.535	32/8		32/27	53ER06-21			32/15
40E-7.537	32/8		32/27	53ER06-22			32/17
40E-7.538	32/8	32/21	32/27	53ER06-23			32/17
40E-7.5381	32/8	32/21	32/27	53ER06-24			32/19
40E-7.5382	32/8	32/21	32/27	53ER06-25			32/19
40E-7.5383	32/8	32/21	32/27	53ER06-26			32/19
40E-7.5384	32/8	32/21	32/27	53ER06-27			32/21
40E-7.539	32/8		32/27	53ER06-28			32/21
40E-7.668	32/8		32/27	53ER06-29			32/23
40E-7.669	32/8	32/22 32/23		53ER06-30			32/23
40E-7.670	32/8	32/22 32/23		53ER06-31			32/26
40E-7.671	32/8			53ER06-32			32/26
				53ER06-33			32/26
				53ER06-34			32/28
				53ER06-35			32/28
				53ER06-36			32/28
				53ER06-37			32/28

FLORIDA LAND AND WATER  
ADJUDICATORY COMMISSION

LOTTERY

Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.	Rule No.	Proposed Vol./No.	Amended Vol./No.	Adopted Vol./No.
53ER06-38			32/28	59A-9.020	32/21		
53-19.0035	25/43			59A-9.021	32/21		
53-302.101	29/22			59A-9.022	32/21		
53-302.109	29/22			59A-9.0225	32/21		
ELDER AFFAIRS				59A-9.023	32/21		
58A-5.0131	32/18			59A-9.024	32/21		
58A-5.014	32/18			59A-9.025	32/21		
58A-5.015	32/18			59A-9.026	32/21		
58A-5.016	32/18			59A-9.027	32/21		
58A-5.0181	32/18			59A-9.028	32/21		
58A-5.0182	32/18			59A-9.029	32/21		
58A-5.0185	32/18			59A-9.030	32/21		
58A-5.019	32/18			59A-9.031	32/21		
58A-5.0191	32/18			59A-9.034	32/21		
58A-5.023	32/18			59A-11.0115	30/5		
58A-5.024	32/18			59A-13.004	32/13		32/24
58A-5.0241	32/18			59A-13.005	32/13		32/24
58A-5.025	32/18			59A-13.007	32/13		32/24
58A-5.026	32/18			59A-13.008	32/13		32/24
58A-5.029	32/18			59A-13.009	32/13		32/24
58A-5.030	32/18			59A-13.010	32/13		32/24
58A-5.031	32/18			59A-13.013	32/13		32/24
58A-5.033	32/18			59A-13.014	32/13		32/24
58A-14.003	32/22			59A-13.015	32/13		32/24
58A-14.008	32/22			59A-13.020	32/13		32/24
58A-14.0085	32/22			59A-13.022	32/13		32/24
58A-14.0091	32/22			59A-18.002	32/6	32/18	
58B-1.001	31/27		32/20w	59A-18.004	32/6	32/18	
58B-1.003	31/27		32/20w			32/24	
58B-1.005	31/27		32/20w	59A-18.005	32/6	32/18	
58B-1.007	31/27		32/20w	59A-18.0081	32/6	32/18	
58B-1.009	31/27	31/31	32/20w			32/24	
AGENCY FOR HEALTH CARE ADMINISTRATION				59A-18.011	32/6		
59-1	29/35c			59A-18.012	32/6		
	30/42c			59A-18.017	32/6	32/18	
59A-3.255	29/36	29/48		59A-18.018	32/6	32/18	
		30/3		59A-26.001	32/12		
	29/43c			59A-26.002	32/12		
59A-7.020	32/12		32/24	59A-26.003	32/12		
59A-7.029	32/12		32/24	59A-26.004	32/12		
59A-7.030	32/12		32/24	59A-26.005	32/12		
59A-8.002	32/12			59A-26.006	32/12		
59A-8.003	32/12			59A-26.007	32/12		
59A-8.004	32/12			59A-26.0075	32/12		
59A-8.0086	32/12			59A-26.008	32/12		
59A-8.0095	32/12	32/26		59A-26.008	32/12		
59A-8.0185	32/12			59A-26.009	32/12		
59A-8.020	32/12			59A-26.010	32/12		
59A-8.0215	32/12			59A-26.010	32/12		
59A-8.022	32/12			59A-26.011	32/12		
59A-8.027	32/12			59A-26.012	32/12		
59A-9.018	32/21			59A-26.013	32/12		
59A-9.019	32/21			59A-26.014	32/12		
				59A-26.015	32/12		
				59A-26.016	32/12		
				59A-26.017	32/12		
				59A-26.018	32/12		

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59A-26.019	32/12					32/16	32/24
59A-26.020	32/12			59G-4.200	32/18		
59A-26.021	32/12			59G-4.210		27/19	32/20
59A-26.022	32/12				32/8		32/20
59A-26.023	32/12			59G-4.230	31/6c		
59A-30.002	32/27			59G-4.300	32/3	32/14	32/21
59A-30.003	32/27			59G-4.330	32/16		
59A-30.004	32/27			59G-4.340	32/7		32/20
59A-30.005	32/27			59G-6.010	32/17	32/18	32/25
59A-30.006	32/27			59G-13.081	32/8		32/21
59A-30.007	32/27			59G-13.110	32/8		32/21
59A-30.008	32/27			59G-13.130	32/7		32/21
59A-30.009	32/27			59H-1.00352	26/3	26/17	
59A-30.010	32/27			59T-11.013	23/22	23/35	
59A-33.001	32/2	32/23		59T-14.004	23/22	23/35	
		32/25		59T-15.002	23/22	23/35	
59A-33.002	32/2	32/23		59T-16.001	23/22	23/35	
		32/25		59T-16.002	23/22	23/35	
59A-33.003	32/2	32/23		59U-11.019	20/51	21/7	
		32/25		59U-14.002	23/24	23/35	
59A-33.004	32/2	32/23		59V-3.007	20/34	20/48	
		32/25					
59A-33.005	32/2	32/23					
		32/25					
59A-33.006	32/2	32/23		60A-1.002	32/22		
		32/25		60A-1.006	32/22		
59A-33.007	32/2	32/23		60A-1.016	32/22		
		32/25		60A-1.033	32/22		
59A-33.008	32/2	32/23		60A-1.044	32/22		
		32/25		60BB-3.029	32/15		32/22
59A-33.009	32/2	32/23		60BB-8.203	32/7		32/26w
		32/25		60BB-8.204	32/7	32/26	
59A-33.010	32/2	32/23		60BB-8.301	32/7	32/26	
		32/25		60BB-8.400	32/7	32/26	
59A-33.011	32/2	32/23		60E-1.001	31/49		
		32/25		60E-1.003	31/49		
59A-33.012	32/2	32/23		60E-1.004	31/49		
		32/25		60E-1.005	31/49		
59A-33.013	32/2	32/23		60H-1.001	31/22	31/41	
		32/25		60H-1.002	31/22	31/41	
59C-1.021	32/12	32/24		60H-1.003	31/22	31/41	
59C-1.038	31/6			60H-1.004	31/22		
	31/6c			60H-1.006	31/22	31/41	
59G-4.001	32/16		32/26	60H-1.007	31/22	31/41	
59G-4.002	32/27			60H-1.009	31/22		
59G-4.015	32/16			60H-1.013	31/22		
59G-4.016	32/19			60H-1.015	31/22	31/41	
59G-4.020	32/13		32/26	60H-1.017	31/22	31/41	
59G-4.060		27/19	32/26	60H-1.022	31/22		
	32/16		32/26	60H-1.025	31/22		
59G-4.085	32/5		32/20	60H-1.026	31/22		
59G-4.140	32/20			60H-1.027	31/22		
59G-4.165	32/19		32/26	60H-1.028	31/22		
59G-4.199	31/50	32/10	32/24	60H-1.030	31/22		
				60S-1.005	32/18		

MANAGEMENT SERVICES

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60Y-1	31/14c			61A-10.009	32/3		
	31/16c			61A-10.0091	32/3		
	31/16c			61A-10.010	32/3		
	31/21c			61A-10.011	32/3		
	31/21c			61A-10.0111	32/3		
	31/25c			61A-10.0112	32/3		
	31/38c			61A-10.012	32/3		
	31/38c			61A-10.013	32/3		
	31/39c			61A-10.014	32/3		
	32/2c			61A-10.015	32/3		
	32/2c			61A-10.016	32/3		
	32/2c			61A-10.017	32/3		
	32/2c			61A-10.018	32/3		
				61A-10.020	32/3		
				61A-10.021	32/3		
				61A-10.026	32/3		
				61A-10.027	32/3		
				61A-10.031	32/3		
				61A-10.050	32/3		
				61A-10.051	32/3		
				61A-10.052	32/3		
				61A-10.053	32/3		
				61A-10.054	32/3		
				61A-10.055	32/3		
				61A-10.080	32/3		
				61A-10.081	32/3		
				61A-10.082	32/3		
				61A-10.083	32/3		
				61A-10.084	32/3		
				61A-10.085	32/3		
				61B-23.0021	32/18	32/26	
				61B-23.0029	32/20		
				61B-75.004	32/16	32/23	
				61B-82.005	30/40		
				61C-5.007	32/21		
				61C-5.008	32/27		
				61C-5.0085	32/27		
				61D-2.011		23/14	32/21
					31/51	32/13	32/21
					32/23c		32/23d
				61D-4.002	31/51		
				61D-4.004	31/51		
				61D-6.008		22/35	32/26
					31/20	32/20	32/26
				61D-6.011	31/51		
				61D-8.002	31/51		
				61D-8.005	31/51		
				61D-10.001	31/51		
				61D-11.009	31/51		
				61D-11.017	31/51		
				61D-11.027	31/49		32/24
				61D-12.001	31/51		
				61D-14.001	32/17		32/25
				61D-14.002	32/17		32/25
				61D-14.003	32/17	32/24	
				61D-14.004	32/17		32/25

BUSINESS AND PROFESSIONAL REGULATION

61-5.005	32/23		
61-6.022	32/3		32/24w
61-6.023	32/3		
61-20.504	32/17		32/25
61A-1.013	31/21		32/22w
61A-1.017	31/21		32/22w
61A-2.019	31/50		
61A-3.0141	31/21		32/22w
61A-3.019	31/21		32/22w
61A-3.020	31/21		32/22w
61A-3.0305	31/21		32/22w
61A-3.039	31/21		32/22w
61A-3.049	31/21		32/22w
61A-3.053	31/21		32/22w
61A-4.003	31/21		32/22w
61A-4.005	31/21		32/22w
61A-4.020	31/21		32/22w
61A-4.030	31/21		
61A-5.001	31/21		32/22w
61A-5.010	31/21		32/22w
61A-5.0105	31/21		32/22w
61A-5.011	31/21		32/22w
61A-5.056	31/21		32/22w
61A-5.700	31/21		32/22w
61A-5.708	31/21		32/22w
61A-5.710	31/21		32/22w
61A-5.747	31/21		32/22w
61A-5.7475(1)	31/5c		
61A-5.761	31/21		32/22w
61A-7.006	29/41		
61A-7.007	29/41		
61A-7.008	29/41		
61A-10.001	32/3		
61A-10.002	32/3		
61A-10.0021	32/3		
61A-10.0022	32/3		
61A-10.005	32/3		
61A-10.006	32/3		
61A-10.007	32/3		
61A-10.008	32/3		

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61D-14.005	32/17		32/25	61D-14.075	32/17		32/25
61D-14.006	32/17	32/24		61D-14.080	32/17		32/25
61D-14.007	32/17		32/25	61D-14.081	32/17	32/24	
61D-14.008	32/17		32/25	61D-14.082	32/17		32/25
61D-14.009	32/17		32/25	61D-14.083	32/17		32/25
61D-14.010	32/17		32/25	61D-14.085	32/17		32/25
61D-14.011	32/17		32/25	61D-14.086	32/17		32/25
61D-14.012	32/17		32/25	61D-14.087	32/17		32/25
61D-14.013	32/17	32/24		61D-14.090	32/17		32/25
61D-14.014	32/17		32/25	61D-15.001	32/17		32/26
61D-14.015	32/17		32/25	61F15-22.011	32/2c		32/23d
61D-14.016	32/17	32/24		61G1-23.010	32/13		
61D-14.017	32/17		32/25	61G1-23.015	31/35		
61D-14.018	32/17		32/25	61G3-19.011	32/13	32/26	
61D-14.019	32/17	32/24		61G4-12.006	31/47		
61D-14.020	32/17		32/25	61G4-12.009	31/47		
61D-14.021	32/17			61G4-15.001	31/51	32/15	32/20w
61D-14.022	32/17	32/24		61G4-15.0021	32/27		
61D-14.023	32/17		32/25	61G4-16.0031	32/18		
61D-14.024	32/17	32/24		61G4-17.001	32/23		
61D-14.025	32/17		32/25	61G4-18.001	32/27		
61D-14.026	32/17		32/25	61G5-20.002	32/26		
61D-14.028	32/17		32/25	61G5-30.001	32/14		32/21
61D-14.029	32/17		32/25	61G6-5.001	32/23		
61D-14.030	32/17		32/25	61G6-5.006	32/23		
61D-14.031	32/17		32/25	61G6-8.002	32/17		32/25
61D-14.037	32/17		32/25	61G6-9.004	32/23		
61D-14.038	32/17		32/25	61G6-10.002	32/13	32/25	
61D-14.039	32/17		32/26	61G7-10.0014	32/11		32/20w
61D-14.040	32/17	32/24			32/21		
61D-14.041	32/17		32/26	61G7-33.0065	30/16		
61D-14.042	32/17	32/24		61G9-9.001	31/6		
61D-14.043	32/17		32/25	61G14-12.0015	32/21		
61D-14.044	32/17	32/26		61G14-19.001	32/16		32/23
61D-14.046	32/17		32/25	61G15-1	31/21c		
61D-14.047	32/17	32/26		61G15-20.0015(3)	31/34c		
61D-14.048	32/17		32/25	61G15-20.007		29/34	32/23
61D-14.050	32/17		32/25		32/16		32/23
61D-14.051	32/17		32/25	61G15-21.009	31/34c		
61D-14.052	32/17		32/25	(1)(b),(3)			
61D-14.053	32/17		32/25	61G15-22.011	32/16		32/23
61D-14.054	32/17		32/25	61G15-24.001	31/21		
61D-14.055	32/17		32/25	61G16-3.001	32/23		32/24w
61D-14.056	32/17	32/24		61G17-5.001	32/17		32/24
61D-14.058	32/17		32/25	61G17-5.0031		19/29	32/24
61D-14.059	32/17		32/25			19/52	32/24
61D-14.060	32/17	32/25			32/17		32/24
61D-14.061	32/17	32/24		61G17-5.0051	32/17		32/24
61D-14.063	32/17		32/25	61G17-6.003	32/24		
61D-14.065	32/17		32/25	61G17-6.0031	32/16		32/24
61D-14.067	32/17		32/25	61G17-6.004	32/24		
61D-14.069	32/17		32/25	61G17-6.005	32/16		32/24
61D-14.072	32/17	32/24		61G17-6.0051	32/16		32/24
61D-14.073	32/17	32/24		61G17-6.0052	32/16		32/24
61D-14.074	32/17	32/26		61G17-6.006	32/16		32/24

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61G17-6.007	32/16		32/24	62-620.200	32/8		32/27
61G17-7.003	32/6		32/20	62-620.625	32/8		32/27
61G17-8.0011	32/17		32/24	62-620.910	32/8		32/27
61G17-9.007		30/53	32/24	62-730	32/23c		
	32/17		32/24	62C-16.0021	31/27	32/11	32/21
61G17-10.001	32/17		32/24	62C-16.003	31/27	32/11	32/21
61G18-30.001	32/18			62C-16.0032	31/27	32/11	32/21
61G19-19.001	31/46			62C-16.0033	31/27	32/11	32/21
61H1-20.001	32/24			62C-16.0036	31/27	32/11	32/21
61H1-20.0053	32/27			62C-16.0041	31/27	32/11	32/21
61H1-26.004	32/27			62C-16.0045	31/27	32/11	32/21
61H1-26.005	32/3	32/23		62C-16.0051	31/27	32/11	32/21
61H1-27.001	32/23			62C-16.006	31/27	32/11	32/21
61H1-29.002	32/27			62C-16.0067	31/27	32/11	32/21
61H1-29.0025	32/27			62C-16.0068	31/27	32/11	32/21
61H1-31.001	32/27			62C-16.0071	31/27	32/11	32/21
61H1-33.003	32/10	32/23		62C-16.0075	31/27	32/11	32/21
61H1-33.006	32/13	32/23		62C-16.0091	31/27	32/11	32/21
61H1-36.005	32/21			62C-16.0095	31/27	32/11	32/21
61H1-36.0055	32/21						
61H1-36.006	32/21						
61H1-38.004	32/13		32/21				
61J1-3.001	28/41	28/43		63EER06-17			32/26
61J1-3.002	28/41	28/43		63EER06-18			32/26
		28/46		63EER06-19			32/26
61J1-4.005	28/41	28/43		63EER06-20			32/26
61J1-4.007	32/27			63EER06-21			32/26
61J1-7.004	28/41	28/43		63EER06-22			32/26
		28/46		63EER06-23			32/26
61J1-7.005	28/41	28/43		63EER06-24			32/26
		28/46		63EER06-25			32/26
61J1-9.001	32/27			63EER06-26			32/26
61J2-3.009		29/45	32/27	63EER06-27			32/26
	32/19		32/27	63G-2.001	32/8		
61J2-3.010	32/14			63G-2.002	32/8	32/27	
61J2-5.014	32/14			63G-2.003	32/8	32/27	
61J2-10.025	32/14		32/26	63G-2.004	32/8	32/27	
61J2-14.008	32/14		32/26	63G-2.005	32/8	32/27	
61J2-17.012	28/3	28/17		63G-2.006	32/8	32/27	
61J2-24.003	32/15		32/26	63G-2.007	32/8	32/27	
61J2-24.006	32/19		32/27	63G-2.008	32/8	32/27	
				63G-2.009	32/8	32/27	
				63G-2.010	32/8		
				63G-2.011	32/8	32/27	
				63G-2.012	32/8	32/27	
				63HER06-1			32/26
				63HER06-2			32/26
				63HER06-3			32/26
				63HER06-4			32/26
				63HER06-5			32/26
				63HER06-6			32/26
				63HER06-7			32/26
				63HER06-8			32/26
				63HER06-9			32/26
				63HER06-10			32/26
				63HER06-11			32/26

JUVENILE JUSTICE

ENVIRONMENTAL PROTECTION

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63HER06-12			32/26	64B7-28.010	32/13	32/20	32/26
63HER06-13			32/26	64B7-32.001	26/6		
63HER06-14			32/26	64B8-1.007		28/26	32/25
63HER06-15			32/26		32/7	32/18	32/25
63M-1.001	32/12		32/27w	64B8-4.009	31/45	32/17	32/23
63M-1.002	32/12		32/27w	64B8-8.001	32/17	32/22	
	HEALTH				32/24		
				64B8-8.0011	32/9	32/19	
64-1	30/29c					32/24	
	30/52c			64B8-8.0012	32/9	32/19	
	30/49c					32/24	
64-2.010(4)	30/49c			64B8-8.017	32/17		32/26
64B-1.009	25/39	26/1		64B8-9.009	32/25		
64B-5.003	31/21	32/21		64B8-9.0091	32/25		
64B-21.0015	27/39			64B8-9.0092	31/9c		
64B-21.004	27/39			64B8-9.015	32/24		
64B-21.006	27/39			64B8-10.002	31/20		32/20w
64B1-3.001	32/18	32/27		64B8-13.004	32/13		32/20
64B1-9.005	32/18		32/27w	64B8-13.0045	27/48	28/16	
64B1-31.001	27/51	28/6			32/13		32/20
64B2-15.001	32/23c			64B8-30.012	29/23c		
64B2-15.002	31/49			64B8-30.013	32/23		
64B3-2.001	23/51			64B8-30.014	32/23		
64B3-2.002	22/34	24/49		64B8-31.007	30/52	31/22	32/25
64B3-2.003	22/34	24/49				31/35	32/25
	32/19					32/18	32/25
64B3-3.004	23/51			64B8-45.002	32/11		32/20
64B3-5.0011	32/13	32/14	32/25	64B8-45.004	32/11		32/20
		32/19	32/25	64B8-52.004	32/13		32/26
64B3-5.002	32/13		32/20	64B8-53.001	31/28		
64B3-5.003		27/20	32/20	64B8-54.0022	32/18		
		27/21	32/20	64B8-54.004	27/41		
	32/13		32/20	64B8-55.002	31/25	32/17	32/22w
64B3-5.004	32/13		32/20	64B8-56.002	32/18		
64B3-5.007	32/23c			64B8-304.700	29/43c		
64B3-6.001	27/5	27/17		64B9-2.001	32/19		
64B3-9.004	32/13		32/20	64B9-2.002	32/19		
64B3-9.0051	32/9	32/13	32/20	64B9-2.008	32/19		
64B4-3.001	25/22			64B9-2.011	32/19		
64B4-4.018	25/32			64B9-2.013	32/19		
64B4-5.009	32/23			64B9-2.015	32/19		
64B4-6.0045	25/32			64B9-3.007	25/9		
64B4-7.008	32/23			64B9-8.003	32/19		32/26
64B5-2.0144	31/9			64B9-8.005	32/19		32/26
64B5-7.005	32/17			64B9-8.006	32/19		32/26
64B5-12.016	32/19		32/26	64B9-8.009	32/23		
64B5-14.001	32/18		32/26	64B9-15.001	31/44		
64B5-14.002	32/15		32/23	64B9-15.002	31/44		
64B5-15.010	27/30			64B9-15.003	31/44		
64B6-1.016	28/52			64B9-15.004	31/44		
64B6-3.041	32/27			64B9-15.009	32/20		
64B6-7.006	32/27			64B9-17.001	31/11	31/44	
64B6-8.003	32/27					32/15	
64B6-55.004	27/41						
64B7-27.012	24/12						



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64B9-17.002	31/11	31/44		64B16-27.700	30/50		
		32/15		64B16-27.830	31/17		
64B9-17.003	31/11	31/44		64B16-27.831	30/50		
		32/15		64B16-28.120	31/13		
		32/22		64B16-28.140	24/38		
64B10-12.005	32/20			64B16-28.301	31/13		
64B10-14.004	32/20			64B16-28.303	31/13		
64B10-16.001	31/20	31/44	32/27w	64B16-28.404	31/3		
64B10-16.002	31/20	31/44	32/27w	64B16-28.405	31/3		
64B10-16.0021	31/42		32/26	64B16-28.605	31/4		
64B10-16.007	32/24			64B16-28.607	31/4		
64B11-2.002	32/11		32/22	64B16-28.900	31/23	31/30	
64B11-2.006	32/11		32/20	64B16-28.902	31/23	31/30	
64B11-3.0021	32/14		32/21	64B17-3.002	32/18		
64B11-3.004	32/11		32/20	64B17-3.003	31/52		32/22w
64B11-4.005	32/14		32/21	64B17-4.003	31/52		32/22w
64B11-5.001	32/26			64B17-9.001	32/13		32/21
64B11-5.003	32/14		32/21	64B18-14.002		28/19	32/23
64B12-8.020	32/7	32/13	32/20			28/26	32/23
64B12-8.021	32/15	32/18	32/25			32/8	32/23
64B12-12.010	32/11	32/19	32/25		32/16		32/23
64B12-16.003	32/21			64B18-14.010		30/23	32/23
64B12-19.002	27/11					32/8	32/23
64B13-3.006	32/15				32/16		32/23
64B13-3.007	32/15		32/22	64B19-14.003	32/10	32/21	
64B13-3.009	32/15					32/26	
64B13-3.012	32/15		32/22	64B19-18.001	32/2	32/26	
64B14-3.001			32/23d	64B20-2.002	25/45	26/30	
	31/35			64B21-501.013	32/13		32/21
	32/2c		32/23d	64B21-503.004	32/21		
64B14-4.001	32/25			64B21-504.001	32/16		32/26
64B14-4.003	32/25			64B27-1.001	32/21		
64B14-4.110	32/25			64B32-5.001	28/3	28/5	
64B14-7.003		26/29	32/26	64B32-6.004	32/26		
	32/19		32/26	64C-1.003	30/36c		
64B15-6.0105	32/23			64C-13.018	24/22		
64B15-6.01051	32/23			64C-23.002	27/17		
64B15-7.007	30/52	31/22	32/25	64C-27.001	27/17		
		31/35	32/25	64C-27.002	27/17		
64B16-26.2032	30/52			64D-3.001	32/24		
64B16-26.402	30/52			64D-3.002	32/24		
64B16-26.601	30/52			64D-3.003	32/24		
64B16-26.6011	30/52			64D-3.0031	32/24		
64B16-27.100	30/50	31/20		64D-3.004	32/24		
64B16-27.1001	30/50			64D-3.005	32/24		
64B16-27.1003	30/50	31/20		64D-3.006	32/24		
64B16-27.103	30/50			64D-3.007	32/24		
64B16-27.104	30/50	31/20		64D-3.0071	32/24		
64B16-27.105	27/4	27/21		64D-3.008	32/24		
64B16-27.210	30/50	31/20		64D-3.009	32/24		
64B16-27.211	30/50			64D-3.010	32/24		
64B16-27.220	30/50	31/2		64D-3.011	32/24		
64B16-27.300	30/50			64D-3.012	32/24		
64B16-27.410	30/50			64D-3.013	32/24		
64B16-27.530	30/50			64D-3.014	32/24		
64B16-27.615	30/50			64D-3.015	32/24		

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CHILDREN AND FAMILY SERVICES							
64D-3.016	32/24			65-1	30/6c		
64D-3.017	32/24				30/9c		
64D-3.018	32/24				30/15c		
64D-3.019	32/24				32/2c		
64D-3.020	32/24				32/2c		
64D-3.021	32/24			65A-1.203	31/20	32/7	
64D-3.022	32/24					32/20	
64D-3.023	32/24				31/27c		
64D-3.024	32/24			65A-1.400	31/20	32/7	
64D-3.025	32/24					32/20	
64D-3.026	32/24				31/27c		
64D-3.027	32/24			65A-1.601	28/11	28/23	
64D-3.028	32/24					28/31	
64D-3.029	32/24					28/41	
64D-3.030	32/24			65A-1.701	32/21		
64D-3.031	32/24			65A-1.702	32/6		32/21
64D-3.032	32/24				32/21		
64D-3.033	32/24			65A-1.710	32/20		
64D-3.034	32/24				32/21		
64D-3.035	32/24			65A-1.711	32/20		
64D-3.036	32/24				32/21		
64D-3.037	32/24			65A-1.712	32/20		
64D-3.038	32/24				32/20		
64D-3.039	32/24				32/21		
64D-3.040	32/24			65A-1.713	32/20		
64D-3.041	32/24				32/21		
64D-3.042	32/24			65A-1.716	32/20		
64D-3.043	32/24			65A-4.208	32/9	32/17	32/25
64D-3.044	32/24			65A-4.2081	32/19		
64D-3.045	32/24			65A-4.2082	32/13		
64D-3.046	32/24			65A-4.213	25/32		
64D-3.047	32/24			65A-4.216	25/32		
64D-3.048	32/24			65A-15.005	32/9		
64D-4.001	31/15			65A-15.0095	26/4		
64D-4.002	31/15			65A-15.062	32/9		
64D-4.003	31/15			65B-4.033	32/13	32/16	32/23
64D-4.004	31/15			65B-27.017	32/9		
64D-4.005	31/15			65C-10.001	31/49		32/20w
64D-4.006	31/15			65C-10.002	31/49		32/20w
64E-2.002	32/21			65C-10.003	31/49		32/20w
64E-2.003	32/21			65C-10.004	31/49		32/20w
64E-2.004	32/21			65C-10.005	31/49		32/20w
64E-2.005	32/21			65C-10.006	31/49		32/20w
64E-2.006	32/21			65C-11.001	31/49		32/20w
64E-2.007	32/21			65C-11.002	31/49		32/20w
64E-2.012	32/21			65C-11.003	31/49		32/20w
64E-2.034	32/21			65C-11.004	31/49		32/20w
64E-2.036	32/21			65C-11.005	31/49		32/20w
64E-6.007	25/48			65C-12.001	31/49		32/20w
64F-12.001	32/16	32/22		65C-12.002	31/49		32/20w
64F-12.012	32/16	32/22		65C-12.003	31/49		32/20w
64F-12.015	32/16			65C-12.004	31/49		32/20w
64F-12.025	32/16	32/22		65C-12.005	31/49		32/20w
64V-1.018	30/2						



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68A-24.003	28/17			69A-58.0083	32/4		
68A-24.004	28/17			69A-58.0084	32/4		
68A-24.0055	30/1			69A-58.009	32/4		
68A-24.006	28/17			69A-60.004	32/12		32/27
	30/1			69A-60.011	32/7		
68A-24.009	30/1			69A-62.001	29/44	29/46	
68A-27.005	31/52	32/18	32/21	69A-62.002	29/44	29/46	
68BER06-1			32/25	69A-62.021	32/3		
68B-13.008	27/31	26/13		69A-64.005	32/21		
68B-23.101	32/18			69B-211.005	32/11		32/20w
68B-23.103	32/18			69B-220.001	32/7	32/20	32/24w
68B-23.104	32/18				32/25		
68B-23.106	32/18			69B-220.051	32/7		32/24w
68B-23.107	32/18				32/25		
68B-23.108	32/18			69B-220.201	32/7	32/20	32/24w
68B-23.109	32/18				32/25		
68B-23.110	32/18			69B-231.010	32/1		32/20w
68B-23.112	32/18				32/24		
68C-22.015	32/6			69B-231.020	32/1		32/20w
					32/24		
FINANCIAL SERVICES				69B-231.030	32/1		32/20w
					32/24		
69-1	30/42c			69B-231.040	32/1		32/20w
69A-37.401	31/44				32/24		
69A-37.402	31/44			69B-231.070	32/1		32/20w
69A-37.403	31/44				32/24		
69A-37.404	31/44			69B-231.080	32/1		32/20w
69A-37.405	31/44				32/24		
69A-37.406	31/44			69B-231.090	32/1		32/20w
69A-37.407	31/44				32/24		
69A-37.408	31/44			69B-231.100	32/1		32/20w
69A-37.409	31/44				32/24		
69A-47.012	32/11		32/22	69B-231.110	32/1		32/20w
69A-47.013	32/11		32/22		32/24		
69A-47.014	32/11		32/22	69B-231.120	32/1		32/20w
69A-47.015	32/11		32/22		32/24		
69A-47.016	32/11		32/22	69B-231.130	32/1		32/20w
69A-47.017	32/11		32/22		32/24		
69A-47.018	32/11		32/22	69B-231.140	32/1		32/20w
69A-47.019	32/11		32/22		32/24		
69A-53.005	32/15			69B-231.150	32/1		32/20w
69A-53.0051	32/15				32/24		
69A-53.0052	32/15			69B-231.160	32/1		32/20w
69A-53.0053	32/15				32/24		
69A-53.0054	32/15			69C-6.003	32/17		32/27
69A-58.001	32/4			69D-2.001	32/16		
69A-58.002	32/4			69D-2.002	32/16		
69A-58.003	32/4			69D-2.003	32/16		
69A-58.0031	32/4			69D-2.004	32/16		
69A-58.004	32/4			69D-2.005	32/16		
69A-58.005	32/4			69H-1.003	32/19		
69A-58.006	32/4			69H-2.003	32/19		
69A-58.007	32/4			69H-2.004	32/19		
69A-58.008	32/4			69I-21.003	32/14		
69A-58.0081	32/4			69J-2.001	32/22		
69A-58.0082	32/4						

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69J-2.002	32/12	32/19	32/25	69O-149.206	32/5		32/21
69J-2.003	32/22			69O-149.207	32/5		32/21
69K-12.003	32/25			69O-154.203	32/25		
69K-12.004	32/25			69O-154.204	32/25		
69K-12.005	32/25			69O-170.005	30/46	31/2	
69K-17.0030	32/19		32/26		30/46	31/15	
69K-17.0034	32/19		32/26		31/2c		
69K-22.003	32/19		32/26		31/26		
69L-5.101(4)	31/14c				31/32c		
	32/23c			69O-170.006	30/46		
69L-5.102	31/49				31/2c		
69L-5.102(2)(b)	32/23c				31/26		
69L-5.102(2)(b),(3)	31/14c				31/32c		
69L-5.102(3)	32/23c			69O-170.007	30/46	31/2	
69L-5.103(3)(a)	31/14c				30/46	31/15	
	32/23c				31/2c		
69L-6.023	31/33				31/26		
	32/2c				31/32c		
69L-6.028	32/24			69O-170.013	30/14	31/7	
69L-6.031	31/49	32/6			30/46	31/2	
69L-7.501	31/25c				30/46	31/15	
69L-7.602	31/23				31/2c		
		31/35	32/25		31/26	32/6	
	32/15	32/22	32/25		31/32c		
69L-56.530	31/3			69O-170.0135	30/46	31/2	
69M-1	29/52c				30/46	31/15	
69N-121.007	32/16		32/22w		31/2c		
69N-121.066	32/7				31/26		
	32/23c				31/32c		
69O-1	31/37c			69O-170.014	30/46	31/15	
	31/37c				31/2c		
69O-125.003	31/47	32/8	32/26		31/26		
69O-125.005	31/6				31/32c		
	31/14c			69O-170.0141	30/46	31/15	
	31/26	32/7			31/2c		
	31/34c				31/26		
69O-136.018	31/43	32/12	32/20		31/32c		
69O-136.019	32/10			69O-170.0142	30/46	31/2	
69O-137.001	32/19		32/22w		30/46	31/15	
69O-137.013	32/26				31/2c		
69O-138.001	32/19		32/22w		31/26		
69O-141.020	31/52	32/25			31/32c		
69O-141.021	32/25			69O-170.0143	30/46	31/2	
69O-144.002	32/16				31/26		
69O-144.005	32/16				31/32c		
69O-149.005	32/17			69O-170.0155	30/46	31/15	
69O-149.006	32/17				31/2c		
69O-149.007	32/17				31/26		
69O-149.037	32/3	32/9	32/26		31/32c		
		32/15	32/26	69O-170.0195	32/5	32/12	32/21
69O-149.038	32/3	32/9	32/26	69O-170.020	32/5	32/12	
69O-149.041	30/51			69O-171.003	32/8		
69O-149.205	32/5		32/21		32/23c		

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69O-171.009	32/8			69O-215.225	32/1		32/20
	32/23c			69O-215.230	32/1		32/20
69O-175.001	31/2c			69O-221.001	32/1		32/20
69O-175.003	30/46	31/2		69O-221.003	32/1		32/20
	30/46	31/15		69O-221.005	32/1		32/20
	31/2c			69O-221.051	32/1		32/20
	31/26			69O-221.055	32/1		32/20
	31/32c			69O-221.060	32/1		32/20
69O-186.003	31/22			69O-221.065	32/1		32/20
69O-186.003(1)(c)	31/32c			69O-221.070	32/1		32/20
69O-186.005	31/24			69O-221.075	32/1		32/20
69O-189.016	32/5		32/21	69O-221.080	32/1		32/20
69O-191.051	31/49			69O-221.085	32/1		32/20
69O-191.054	31/49			69O-221.095	32/1		32/20
69O-203.042	31/49			69O-221.100	32/1		32/20
69O-203.045	31/49			69O-221.105	32/1		32/20
69O-204.201	32/10	32/18	32/26	69O-221.110	32/1		32/20
69O-213.010	32/1		32/20	69O-221.115	32/1		32/20
69O-213.020	32/1		32/20	69O-221.120	32/1		32/20
69O-213.040	32/1		32/20	69O-221.125	32/1		32/20
69O-213.050	32/1		32/20	69O-221.130	32/1		32/20
69O-213.060	32/1		32/20	69O-221.135	32/1		32/20
69O-213.070	32/1		32/20	69O-221.140	32/1		32/20
69O-213.080	32/1		32/20	69O-221.145	32/1		32/20
69O-213.090	32/1		32/20	69O-221.150	32/1		32/20
69O-213.100	32/1		32/20	69V-560.303	32/20		
69O-213.110	32/1		32/20	69W-600.013	32/8		
69O-213.120	32/1		32/20	69W-600.0131	32/8		
69O-213.130	32/1		32/20	69W-600.0132	32/8		
69O-215.210	32/1		32/20	69W-600.014	32/8		
69O-215.215	32/1		32/20				
69O-215.220	32/1		32/20				