

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-15  
 RULE NO.: 14-15.0081  
 RULE CHAPTER TITLE: Incorporation by Reference  
 RULE TITLE: Toll Facilities Description and Toll Rate Schedule

**PURPOSE AND EFFECT:** The Florida Department of Transportation, Florida’s Turnpike Enterprise is proposing to convert the existing N.W. 106th Interchange located on the Homestead Extension of Florida’s Turnpike (HEFT) at MP 34 to a SunPass-Only interchange. Tolls at this interchange are currently collected using either SunPass or cash collection methods. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the north. Section 338.155(1), Florida Statutes, does not permit the use of the State’s toll facilities without paying a toll. The existing cash rate for payment of the toll at this interchange is being deleted from the Toll Rate Schedule. The SunPass rate for payment of the toll at this interchange is not being changed by this amendment. A rule development workshop, if requested will provide an opportunity to notify the public about the proposed conversion of the existing N.W. 106th/HEFT interchange from SunPass and cash collection to a SunPass-only collection facility.

**SUBJECT AREA TO BE ADDRESSED:** The Florida Department of Transportation, Florida’s Turnpike Enterprise is proposing to convert the existing N.W. 106th interchange located on the HEFT at MP 34 to a SunPass-Only interchange. Tolls at this interchange are currently collected using either SunPass or cash collection methods. The project is located in Miami-Dade County. Tolls are proposed to be collected from vehicles accessing to and from the north.

**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.**

**SPECIFIC AUTHORITY:** 334.044(2), 338.155(1) FS.  
**LAW IMPLEMENTED:** 338.222, 338.231, 338.155 FS.  
**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS:** James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

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

14-15.0081 Toll Facilities Description and Toll Rate Schedule.

The Toll Facilities Description and Toll Rate Schedule, adopted November 15, 1987, and amended on February 8, 1988, August 1, 1988, February 2, 1989, May 10, 1989, July 1, 1991, August 1, 1991, November 6, 1991, July 11, 1993, November 28, 1993, September 18, 1994, June 6, 1995, July 9, 1995, January 1, 1996, March 31, 1996, April 28, 1996, June 2, 1996, July 28, 1996, September 23, 1997, November 24, 1997, February 12, 1998, June 30, 1998, July 29, 1998, January 6, 1999, February 9, 1999, April 29, 1999, June 21, 1999, September 4, 2001, March 26, 2002, April 10, 2003, October 1, 2003, December 11, 2003, March 7, 2004, May 20, 2004, November 1, 2005, February 5, 2006, July 27, 2006, \_\_\_\_\_ is hereby incorporated by this rule and made a part of the rules of the Department. Copies of this Department of Transportation Toll Facilities Description and Toll Rate Schedule and any amendments thereto are available at no more than cost.

Specific Authority 334.044(2), 338.155(1) FS. Law Implemented 338.222, 338.231, 338.155 FS. History–New 11-15-87, Amended 2-8-88, 8-1-88, 2-2-89, 5-10-89, 7-1-91, 8-1-91, 11-6-91, 7-11-93, 11-28-93, 9-18-94, 6-6-95, 7-9-95, 1-1-96, 3-31-96, 4-28-96, 6-2-96, 7-28-96, 9-23-97, 11-24-97, 2-12-98, 6-30-98, 7-29-98, 1-6-99, 2-9-99, 4-29-99, 6-21-99, 9-4-01, 3-26-02, 4-10-03, 10-1-03, 12-11-03, 3-7-04, 5-20-04, 11-1-05, 2-5-06, 7-27-06, \_\_\_\_\_.

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.201  
 RULE TITLE: ADA Provisions for Inmates

**PURPOSE AND EFFECT:** The purpose and effect of the proposed rule is to amend Form DC2-530, Reasonable Modification or Accommodation Request, to clarify that the form is not to be used to request medical devices, medical passes, or to request any type of medical care.

**SUBJECT AREA TO BE ADDRESSED:** ADA Provisions for Inmates.

**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: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-210.201 ADA Provisions for Inmates.

(1) through (2) No change.

(3) Accommodation Request Procedure.

(a) No change.

(b) All department and privately operated facilities shall furnish to any inmate, upon request, a Reasonable Modification or Accommodation Request, Form DC2-530. Form DC2-530 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is ~~8-19-04~~.

(c) through (g) No change.

(4) through (9) No change.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History--New 8-19-01, Amended 2-8-06, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Health Facility and Agency Licensing**

RULE NO.: RULE TITLE:

59A-25 Minimum Standards for Home Medical Equipment Providers

PURPOSE AND EFFECT: The purpose of this rule development is to establish minimum criteria for the comprehensive emergency management plan as required in Section 400.934(20), Florida Statutes, as amended by the 2006 Florida Legislature. The home medical equipment application for licensing is also updated and procedures for changes of address are included.

SUBJECT AREA TO BE ADDRESSED: Emergency management plan criteria, updated licensure application, address changes.

SPECIFIC AUTHORITY: 400.935 FS.

LAW IMPLEMENTED: 400.934, 400.935 FS.

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

DATE AND TIME: Thursday, September 14, 2006, 1:00 p.m. – 3:30 p.m.

PLACE: Hurston Building, South Tower Conference Rooms A & B, 400 West Robinson Street, Orlando, FL 32801

DATE AND TIME: Tuesday, September 26, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: Miami-Dade Fire Rescue Headquarters, Auditorium, 9300 N.W. 41st Street, Miami, FL 33178

DATE AND TIME: Thursday, September 28, 2006, 1:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room D, Tallahassee, FL 32308 Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Noel Cronin Lawrence, lawrencn@ahca.myflorida.com or (850)414-6010 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Noel Cronin Lawrence, Agency for Health Care Administration, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, 2727 Mahan Drive – Mail Stop 34, Tallahassee, FL 32308, or lawrencn@ahca.myflorida.com.

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: RULE TITLE:

59G-4.060 Dental Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the update July 2006 to the Florida Medicaid Dental Services Coverage and Limitations Handbook. The handbook was revised to include Medicaid coverage of partial dentures for Medicaid recipients age 21 and older. The effect will be to incorporate by reference in the rule Update July 2006 to Florida Medicaid Dental Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Dental Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908, 409.912 FS.

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

DATE AND TIME: Tuesday, September 12, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Mary Cerasoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7328

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.060 Dental Services.

(1) No change.

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

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908, 409.912 FS. History--New 7-10-80, Amended 2-19-81, 10-27-81, 7-21-83, Formerly 10C-7.523, Amended 9-11-90, 11-3-92, Formerly 10C-7.0523, Amended 6-29-93, Formerly 10P-4.060, Amended 7-19-94, 7-16-96, 3-11-98, 10-13-98, 12-28-98, 6-10-99, 4-23-00, 4-24-01, 7-5-01, 2-20-03, 8-5-03, 1-8-04, 10-12-04, 6-28-05, 7-2-06,\_\_\_\_\_.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-19.004  
 RULE TITLE: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances

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

VIOLATION	PENALTY RANGE MINIMUM	MAXIMUM
<u>(a) Violating any provision of s. 455.227(1), s. 471.025 or 471.031, or any other provision of Chapter 471 or rule of the Board or Department [471.033(1)(a), 455.227(1)(b)(q)]</u>	<u>Reprimand and \$1,000 fine</u>	<u>One (1) year suspension, two (2) years probation and \$5,000 fine</u>
<u>1. Failure to sign, seal or date documents [471.025(1)]</u>	<u>Reprimand</u>	<u>Reprimand and one (1) year probation</u>
<u>2. Sealing any document after license has expired or been revoked or suspended, or failure to surrender seal if the license has been revoked or suspended [471.025(2)]</u>	<u>Suspended license: Revocation and \$1,000 fine</u>  <u>Revoked license: Referral to State's Attorney's office</u>	

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances.

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

LAW IMPLEMENTED: 455.227, 471.031, 471.033 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: Paul Martin, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) No change.

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

<p><u>3. Signing or sealing any document that depicts work the licensee is not licensed to perform or which is beyond his or her profession or specialty therein or practicing or offering to practice beyond the scope permitted by law or accepting and performing responsibilities the licensee is not competent to perform</u>  <u>[471.025(3), 455.227(1)(o), 61G15-19.001(6)(c) (d)]</u></p>	<p><u>Reprimand, one (1) year probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>4. Firm practicing without certificate of authorization [471.023, 61G15-19.001(3)]</u></p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>
<p><u>5. Failure to complete continuing education [471.017(3), 61G15-22.001]</u></p>	<p><u>Suspend until licensee demonstrates compliance</u></p>	<p><u>Revocation</u></p>
<p><u>6. Practicing engineering without a license or using a name or title tending to indicate that such person holds an active license as an engineer</u>  <u>[471.031(1)(a)(b)]</u></p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 fine per count</u></p>
<p><u>7. Presenting as his or her own the license of another [471.031(1)(c)]</u></p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>8. Giving false or forged evidence to the Board or concealing information relative to violations of this chapter</u>  <u>[471.031(1)(d) (g)]</u></p>	<p><u>\$1,000.00 fine per count</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>9. Employing unlicensed persons to practice engineering or aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapters 455 or 471</u>  <u>[471.031(1)(f), 455.227(1)(j)]</u></p>	<p><u>\$1,000.00 fine per count and reprimand</u></p>	<p><u>\$5,000.00 per count and revocation</u></p>
<p><u>10. Having been found liable for knowingly filing a false complaint against another licensee</u>  <u>[455.227(1)(g)]</u></p>	<p><u>\$1,000.00 fine per count and reprimand</u></p>	<p><u>\$5,000.00 fine per count and revocation</u></p>
<p><u>11. Failing to report a person in violation of Chapter 455, Chapter 471 or the rules of the Board or the Department</u>  <u>[455.227(1)(i)]</u></p>	<p><u>Reprimand</u></p>	<p><u>Reprimand, \$5,000.00 per count and suspension for one year</u></p>
<p><u>12. Failing to perform any statutory or legal obligation</u>  <u>[455.227(1)(k)]</u></p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>
<p><u>13. Exercising influence on a client for financial gain</u>  <u>[455.227(1)(n)]</u></p>	<p><u>Reprimand</u></p>	<p><u>Revocation</u></p>

<p><u>14. Improper delegation of professional responsibilities</u> [455.227(1)(p)]</p>	<p><u>\$1,000.00 fine per count and probation for one year</u></p>	<p><u>Revocation</u></p>
<p><u>15. Improperly interfering with an investigation or inspection or disciplinary proceeding</u> [455.227(1)(r)]</p>	<p><u>\$1,000.00 fine per count and probation for one year</u></p>	<p><u>Revocation</u></p>
<p><u>(b) Attempting to procure a license by bribery, fraudulent misrepresentation, or error of the Board or Department</u> [471.033(1)(b), 455.227(1)(h)]</p>	<p><u>Revocation and \$1,000 fine if licensed; if not licensed, denial of license and referral to State Attorney</u></p>	
<p><u>(c) Having a license to practice engineering acted against or denied by another jurisdiction</u> [471.033(1)(c), 455.227(1)(f)]</p>	<p><u>Same penalty as imposed in other jurisdiction or as close as possible to penalties set forth in Florida Statutes</u></p>	
<p><u>(d) Being convicted or found guilty of, or entering a plea of nolo to a crime which relates to the practice or ability to practice</u> [471.033(1)(d), 455.227(1)(c)]</p>	<p><u>Misdemeanor: reprimand and one (1) year probation</u>  <u>Felony: Revocation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>1. Conviction of crime related to building code inspection or plans examination</u> [61G15-19.001(7)(a)]</p>	<p><u>Misdemeanor: reprimand and one (1) year probation</u>  <u>Felony: Revocation and \$5,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u></p>
<p><u>(e) Knowingly making or filing a false report or record, failing to file a report or record required by law, impeding or obstructing such filing</u> [471.033(1)(e), 61G15-19.001(7)(c), 455.227(1)(l)]</p>	<p><u>One (1) year suspension, two (2) years probation, \$1,000 fine</u></p>	<p><u>Revocation and \$5,000 fine</u></p>
<p><u>(f) Fraudulent, false, deceptive or misleading advertising</u> [471.033(1)(f), 61G15-19.001(2)]</p>	<p><u>Reprimand</u></p>	<p><u>Reprimand, one (1) year probation and \$5,000 fine</u></p>
<p><u>(g) Fraud, deceit, negligence, incompetence or misconduct</u> (471.033(1)(g), 455.227(1)(a),(m)) 1. <u>Fraud or deceit</u></p>	<p><u>Reprimand, two (2) year probation and \$1,000 fine</u></p>	<p><u>\$5,000 fine and revocation</u></p>
<p>2. <u>Negligence</u> [61G15-19.001(4)]</p>	<p><u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation</u></p>
<p>a. <u>As a special inspector</u></p>	<p><u>Reprimand, two (2) years probation and \$1,000 fine</u></p>	<p><u>Reprimand, \$5,000 fine, five (5) year suspension and ten (10) years probation or revocation</u></p>
<p>3. <u>Incompetence</u> [61G15-19.001(5)]</p>	<p><u>Suspension until ability to practice proved followed by probation</u></p>	

<u>4. Misconduct [61G15-19.001(6)]</u>	<u>\$1,000.00 fine per count and reprimand</u>	<u>Revocation</u>
<u>a. Expressing an opinion publicly on an engineering subject without being informed as to the facts and being competent to form a sound opinion [61G15-19.001(6)(a)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>Revocation</u>
<u>b. Being untruthful, deceptive or misleading in any professional report, statement or testimony or omitting relevant and pertinent information from such report, statement or testimony when the result or such omission would or reasonably could lead to a fallacious conclusion [61G15-19.001(6)(b)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>Revocation</u>
<u>c. Offering directly or indirectly any bribe or commission or tendering any gift to obtain selection or preferment for engineering employment other than the payment of the usual commission for securing salaried positions through licensed employment agencies [61G15-19.001(6)(e)]</u>	<u>\$5,000.00 fine per count and suspension for five years</u>	<u>Revocation</u>
<u>d. Soliciting or accepting gratuities without client knowledge [61G15-19.001(6)(g)(h)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</u>
<u>e. Failure to preserve client's confidence [61G15-19.001(6)(r)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation (if pecuniary benefit accrues to engineer)</u>
<u>f. Professional judgment overruled by unqualified person [61G15-19.001(6)(i)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, one (1) year suspension, two (2) years probation and \$5,000 fine</u>
<u>g. Use of name/firm in fraudulent venture [61G15-19.001(6)(k)]</u>	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) years probation</u>
<u>h. Undisclosed conflict of interest [61G15-19.001(6)(f)(p)]</u>	<u>Reprimand, \$1,000 fine and two (2) years probation</u>	<u>Revocation and \$5,000 fine</u>
<u>(h) Violating any provision of Chapter 455 [471.033(1)(h), 455.227(1)(q)]</u>	<u>Reprimand and \$1,000.00 fine per count</u>	<u>\$5,000.00 fine per count and revocation</u>
<u>(i) Practicing on a revoked, suspended, inactive or delinquent license [471.033(1)(i), 471.031(1)(e)]</u>		
<u>1. Delinquent license</u>	<u>Reprimand</u>	<u>Revocation</u>
<u>2. Inactive license</u>	<u>Fine based on length of time in practice while inactive; \$100/month or \$1,000 maximum, renewal of license or cease practice</u>	

<u>3. Suspended license</u>	<u>Revocation and \$1,000 fine</u>	
<u>4. Revoked license</u>	<u>Referral to State Attorney</u>	
<u>(j) Affixing or permitting to be affixed his or her seal, name, or digital signature to any documents that were not prepared by him or her or under his or her responsible supervision, direction or control</u> [471.033(1)(j), 61G15-19.001(6)(j)(q)]	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(k) Violating any order of the board or department</u> [471.033(1)(k), 61G15-19.001(6)(o), 455.227(1)(q)]	<u>Suspension and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(l) Aiding, assisting, procuring, employing unlicensed practice or practice contrary to Chapters 455 or 471</u> [455.227(1)(j)]	<u>Reprimand and \$1,000.00 fine per count</u>	<u>\$5,000.00 fine per count and revocation</u>
<u>(a) Failure to date plans</u> (471.025(1), F.S.)	<u>Reprimand</u>	<u>Reprimand and one (1) year probation</u>
<u>(b) Signing or sealing work not competent to perform</u> (455.227(1)(o), F.S.) (471.025(3), F.S.) (paragraphs 61G15-19.001(6)(e), (d))	<u>Reprimand and \$1,000 fine and one (1) year probation</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(c) "Plan stamping"</u> (471.033(1)(j), F.S.) (paragraphs 61G15-19.001(6)(j), (q))	<u>Reprimand, one (1) year probation and \$1,000 fine</u>	<u>Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation</u>
<u>(d) Violating a Final Order of the Board</u> (455.227(1)(q), F.S.) (471.033(1)(k), F.S.) (paragraph 61G15-19.001(1)(o))	<u>Suspension and \$1,000 fine</u>	<u>Revocation and \$5,000 fine</u>
<u>(e) Attempting to procure or procuring a license by bribery or fraudulent misrepresentation</u> (455.227(1)(h), F.S.) (471.033(1)(b), F.S.)	<u>Revocation and \$1,000 fine if licensed (denial of license and refer to State Attorney if not licensed)</u>	
<u>(f) License disciplined by another jurisdiction</u> (455.227(1)(f), F.S.) (471.033(1)(e), F.S.)	<u>Same penalty as imposed in other jurisdiction or as closely as possible to penalties set forth in Florida Statutes</u>	
<u>(g) Criminal Conviction relating to engineering</u>	<u>Misdemeanor: reprimand &amp;</u>	<u>Reprimand, \$5,000 fine,</u>

<p>(455.227(1)(e), F.S.)                  (471.033(1)(d), F.S.)                  (paragraph 61G15-19.001(6)(i))</p>	<p>one (1) year                  probation-</p> <p>Felony: Revocation                  and \$1,000 fine</p>	<p>one (1) year                  suspension and                  two (2) year                  probation</p>
<p>(h) Practice on                  suspended license                  (455.227(1)(q), F.S.)                  (471.033(1)(i), F.S.)</p>	<p>Revocation and \$1,000 fine</p>	
<p>(i) Practice on inactive                  license-                  (455.227(1)(q), F.S.)                  (471.033(1)(i), F.S.)</p>	<p>Fine based on                  length of time                  in practice while                  inactive; \$100/month or                  \$1,000 maximum                  (penalty will require licensee                  to renew license or cease                  practice)</p>	
<p>(j) Practice on revoked                  license-                  (455.227(1)(q), F.S.)                  (471.033(1)(i), F.S.)</p>	<p>Refer to State Attorney for                  criminal prosecution</p>	
<p>(k) Knowingly making or                  filing false report                  (455.227(1)(l), F.S.)                  (471.033(1)(e), F.S.)                  (paragraph 61G15-19.001(6)(b))</p>	<p>One (1) year                  suspension;                  two (2) year                  probation and                  \$1,000 fine</p>	<p>Revocation and                  \$5,000 fine</p>
<p>(l) Fraudulent, false,                  deceptive, or                  misleading advertising                  (455.227(1)(a), F.S.)                  (471.033(1)(f), F.S.)                  (subsection 61G15-19.001(2))</p>	<p>Reprimand</p>	<p>Reprimand, one                  (1) year                  probation and                  \$5,000 fine</p>
<p>(m) Negligence-                  (455.227(1)(q), F.S.)                  (471.033(1)(g), F.S.)</p>	<p>Reprimand,                  two (2) year                  probation                  and \$1,000                  fine-</p>	<p>Reprimand,                  \$5,000 fine,                  five (5) year                  suspension and                  ten (10) year                  probation</p>
<p>(n) Fraud or deceit                  (455.227(1)(a), (m), F.S.)                  (471.033(1)(g), F.S.)</p>	<p>Reprimand,                  one (1) year                  suspension,                  two (2) year                  probation and                  \$1,000 fine</p>	<p>\$5,000 fine                  and revocation</p>
<p>(o) Misconduct</p>		
<p>1. Soliciting or accepting                  gratuities without                  client knowledge:                  (455.227(1)(q), F.S.)                  (471.033(1)(g), F.S.)                  (paragraphs 61G15-19.001(6)(g), (h))</p>	<p>Reprimand, one                  (1) year                  probation                  and \$1,000                  fine</p>	<p>Reprimand, one                  (1) year                  suspension,                  two (2) year                  probation and</p>
<p>2. Failure to preserve                  client's confidence:</p>	<p>Reprimand, one                  (1) year</p>	<p>Reprimand,                  one (1) year</p>

(455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(r))	probation and \$1,000 fine	suspension and two (2) year probation (if pecuniary benefit accrues to engineer)
3. Professional judgment is overruled by unqualified person: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(i))	Reprimand, one (1) year probation and \$1,000 fine	Reprimand, one (1) year suspension, two (2) year probation and \$5,000 fine
4. Use of name/firm in fraudulent venture: (455.227(1)(q), F.S.) (paragraph 61G15-19.001(6)(k))	Reprimand one (1) year probation and \$1,000 fine	Reprimand \$5,000 fine, one (1) year suspension and two (2) year probation
(p) Incompetence (mental or physical impairment) (455.227(1)(q), F.S.) (subsection 61G15-19.001(5))	Suspension until ability to practice proved followed by probation	
(q) Undisclosed conflict of interest (455.227(1)(q), F.S.) (paragraphs 61G15-19.001(6)(f), (p))	Reprimand, \$1,000 fine, and two (2) year probation	Revocation and \$5,000 fine
(r) Firm practicing without certificate of authorization (455.227(1)(q), F.S.) (471.023, F.S.)	Reprimand	
(s) Violation of any provision of Chapter 61G15, F.A.C., or Chapter 471, F.S. (455.227, F.S.) (471.033(1)(a), F.S.)	Reprimand, \$1,000 fine	One (1) year suspension, two (2) year probation and \$5,000 fine
(t) Conviction of crime related to building code inspection or plans examination (paragraph 61G15-19.001(7)(a)) (u) <del>False reporting</del> (paragraph 61G15-19.001(7)(e))	Misdemeanor: reprimand and one (1) year probation Felony: revocation and \$500 fine One (1) year suspension, two (2) year probation and \$1,000 fine	Reprimand, \$5,000 fine, one (1) year suspension and two (2) year probation Revocation and \$5,000 fine
(v) <del>Negligence as a Special Inspector</del> (subsection 61G15-19.001(8))	<del>Reprimand, two (2) year probation and \$1,000 fine</del>	<del>Reprimand, \$5,000 fine five (5) year suspension and ten (10) year probation, or revocation</del>

(3) No change.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-21.001  
 RULE TITLE: Independence

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

SUBJECT AREA TO BE ADDRESSED: Independence.

SPECIFIC AUTHORITY: 473.304, 473.315 FS.

LAW IMPLEMENTED: 473.315 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: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 NW 76th Dr., Suite A, Gainesville, Florida 32607

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-44.007  
 RULE TITLE: Standards of Practice

PURPOSE AND EFFECT: The Board proposes the amendment to add reference to Section 456.072(1)(t), Florida Statutes to clarify advertising requirements.

SUBJECT AREA TO BE ADDRESSED: Standards of practice.

SPECIFIC AUTHORITY: 456.072(1)(t), 468.503(4), 468.507, 468.516(1)(a),(2)(a) FS.

LAW IMPLEMENTED: 456.072(1)(t), 468.503(4), 468.516, 468.517, 468.518 FS.

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

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

Love, Executive Director, Dietetics and Nutritionist Practices Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-53.004  
 RULE TITLE: Other Requirements for Electrolysis Training Program Approval

PURPOSE AND EFFECT: The Board proposes to add a new rule to specify faculty requirements for electrolysis training program approval.

SUBJECT AREA TO BE ADDRESSED: Other requirements for Electrolysis training program approval.

SPECIFIC AUTHORITY: 478.43(4) FS.

LAW IMPLEMENTED: 478.43(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255  
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

- |            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:                                       |
| 64E-26.001 | General  |
| 64E-26.002 | Definitions  |
| 64E-26.003 | Water Supply                                       |
| 64E-26.004 | Food Service                                       |
| 64E-26.005 | Sanitary System, Facilities and Fixtures           |
| 64E-26.006 | Garbage and Rubbish                                |
| 64E-26.007 | Housing  |
| 64E-26.008 | Laundry and Dry Cleaning                           |
| 64E-26.009 | Bedding, Clothing and Personal Items               |
| 64E-26.010 | Housekeeping                                       |
| 64E-26.011 | Insect and Rodent Control                          |
| 64E-26.012 | Outdoor Areas                                      |
| 64E-26.013 | Industries   |
| 64E-26.014 | Plan Review  |
| 64E-26.015 | Inspection of State and Local Detention Facilities |

**PURPOSE AND EFFECT:** The Department proposes to review the entirety of this chapter to determine if changes are necessary.

**SUBJECT AREA TO BE ADDRESSED:** State and local detention facilities.

**SPECIFIC AUTHORITY:** 381.006 FS.

**LAW IMPLEMENTED:** 381.006(6) FS.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Leslie Harris, Supervisor, 4052 Bald Cypress Way, Bin A08, Tallahassee, FL 32399-3250

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

**RULE NO.:** 69I-42.003  
**RULE TITLE:** Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendment is to update the Voucher for Reimbursement of Travel Expenses form to reflect changes to Section 112.06, F.S., by Chapter 2006-41, Laws of Florida.

**SUBJECT AREA TO BE ADDRESSED:** Updating the Voucher for Reimbursement of Travel Expenses Form for public officers and employees.

**SPECIFIC AUTHORITY:** 17.075(1), 17.29, 112.061(9) FS.

**LAW IMPLEMENTED:** 17.075, 112.061 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:** September 5, 2006, 9:00 a.m.

**PLACE:** Room 430, Fletcher Building, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cheri Greene at (850)413-5593. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Cheri Greene, Room 448, Fletcher Building, Tallahassee, Florida 32399-0355, (850)413-5593

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

69I-42.003 Forms.

(1) The Voucher for Reimbursement of Travel Expenses, Form DFS-AA-15, (revised 07/06 ~~06/97~~), is hereby incorporated by reference. Unless an alternative form is approved pursuant to this Section, Form DFS-AA-15 (07/06 ~~06/97~~) shall be used by travelers when requesting claims for reimbursement of travel expenses and shall be prepared in strict compliance with Section 112.061, Florida Statutes. All copies or electronic transmissions of travel vouchers (Form DFS-AA-15 or other approved form) submitted to the Chief Financial Officer for reimbursement of travel expenses shall contain the signatures of the traveler and the official authorizing the travel. Travel vouchers on file at the agency shall contain the original signatures in written or electronic form. Other evidence of approval of the travel voucher by the supervisor will be accepted if a copy or electronic transmission of the travel voucher is not available and would result in an unreasonable delay in reimbursing the traveler.

(2) through (4) No change.

Specific Authority 17.075(1), 17.29, 112.061(9) FS. Law Implemented 17.075, 112.061 FS. History—New 3-5-90, Amended 1-8-95, 12-29-96, 1-7-98, 11-15-98, Formerly 3A-42.003, Amended \_\_\_\_\_.

**Section II  
Proposed Rules**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

**RULE NO.:** 5B-2.010  
**RULE TITLE:** Special Inspection and Certification Fees

**PURPOSE AND EFFECT:** The purpose of this rule amendment is to raise the fees charged for samples taken for nematode certification from \$30.00 to \$50.00 per sample and fumigation services for loads exceeding 40 cu. ft. from \$300.00 to \$350.00. There would also be a new fee of \$50.00 plus mileage per inspection charged for follow-up quarantine inspections. The effect will enable the Department to recover the cost of providing the special inspection services associated with nematode certification and fumigations. It will also help to recover the costs of performing numerous inspections on regulated articles that were found to be infested with a plant pest and subsequently quarantined.

**SUMMARY:** This is an updated schedule of prescribed fees for special inspection and certification services provided by the division, when requested by farmers, growers or other interested parties. This includes, but not limited to special

treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities.

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

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

SPECIFIC AUTHORITY: 570.07(13), (23), 581.031(23) FS.  
LAW IMPLEMENTED: 581.031(1), (4), (5), (6), (7), 581.083, 581.101, 581.131, 581.141 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: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

THE FULL TEXT OF THE PROPOSED RULE IS:

5B-2.010 Special Inspection and Certification Fees.  
Special inspection and certification services that may be provided by the division, when requested by farmers, growers or other interested parties may include special treatments, special pest identifications, special plant identifications, special investigations, and special regulatory activities not otherwise specifically provided for by Chapter 581, F.S. Governmental agencies requesting special inspections or permits for research purposes shall be exempt from fees. The prescribed fees for these special inspections and certifications shall be as follows:

Type of Certificate	Charge	Form
Inspection and state of origin certificate, Phytosanitary export certificate, Phytosanitary reexport certificate. <sup>2</sup>	Mileage <sup>1</sup> and \$50 minimum per inspection.	DACS-08014 <sup>3</sup> , Phytosanitary Export Certificate, Revised <u>3/05</u> <del>4/99</del> .
Other special inspections. <sup>2</sup>	Mileage and \$50 minimum per inspection.	DACS-08050 <sup>3</sup> , Inspection and State of Origin Certificate, Revised 4/06. DACS-08166 <sup>3</sup> , Attachment For State Phytosanitary Export Certificate, Revised <u>10/04</u> <del>6/99</del> . DACS-08211 <sup>3</sup> , Blueberry Certificate, Revised 5/06. DACS-08212 <sup>3</sup> , Apple and Pear Maggot Certification, Revised <u>5/05</u> <del>8/99</del> . DACS-08046 <sup>3</sup> , Mamey Fruit Certificate, Revised 5/06. DACS-08213 <sup>3</sup> , Caribfly Fumigation Certificate, Revised <u>5/05</u> <del>10/99</del> . DACS-08240 <sup>3</sup> , Cold Treatment Certificate, Revised <u>5/05</u> <del>12/99</del> . DACS-08221 <sup>3</sup> , California Hydrilla Quarantine, Revised <u>5/05</u> <del>12/99</del> . DACS-08260 <sup>3</sup> , Noxious Weed Certification, Revised 9/99. <u>DACS-08001<sup>3</sup>, Nursery Stock Dealer and Special Inspection Report.</u> <u>Revised 7/05.</u>
<u>Follow-Up Quarantine Inspections. No charge first inspection.</u>	<u>Mileage and \$50 minimum per inspection.</u>	

<p>Phytosanitary export certificate noncommercial (homeowner plants or homeowner plant products), and temporary certificate of inspection. Cut Flower, cut fern.</p>	<p>Mileage and \$25 minimum per inspection.</p>	<p>DACS-08014<sup>3</sup>, Phytosanitary Export Certificate, Revised <u>3/05</u> <del>10/99</del>. DACS-08010<sup>3</sup>, Temporary Certificate of Inspection, Revised <u>3/05</u> <del>7/99</del>.</p>
<p>Import inspection for commercial shipments of plants or plant products.</p>	<p>\$10 per acre per crop. Inspection plus mileage, \$25 minimum. Mileage and \$50 per hour per inspection from time of arrival to departure, \$50 minimum.</p>	<p>DACS-08289<sup>3</sup>, Certificate for Cut Foliage, Flowers &amp; Aquatic Plants, Revised <u>6/05</u> <del>10/99</del>. DACS-08001<sup>3</sup>, Nursery, Stockdealer &amp; Special Inspection Report, Revised <u>7/05</u> <del>12/99</del>.</p>
<p>Growing season field inspection of bulbs, seed, vegetable and tobacco transplants.</p>	<p>\$10 per acre per inspection plus mileage, \$25 minimum.</p>	<p>DACS-08159<sup>3</sup>, Growing Season Inspection Report, Revised <u>10/04</u> <del>11/99</del>.</p>
<p>Witnessing budwood or graftwood cutting.</p>	<p>Mileage and \$5 per 1000 budeyes cut, \$10 minimum, \$25 maximum.</p>	<p>DACS-08237<sup>3</sup>, Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del>. DACS-08172<sup>3</sup>, Source Tree Bud Cutting Report, Revised <u>5/06</u> <del>10/99</del>.</p>
<p>Vegetable transplants, aquatic and annual (bedding) plants (greenhouse, hotbeds, or other growing units).</p>	<p>Mileage and \$25 minimum for first 10,000 square feet of growing unit space or less of additional growing space per inspection.</p>	<p>DACS-08111<sup>3</sup>, Certification to Witness Registered Budwood, Revised <u>7/03</u> <del>7/99</del>. DACS-08237<sup>3</sup>, Vegetable Inspection Report, Revised <u>3/05</u> <del>10/99</del>. DACS-08289<sup>3</sup>, Certificate for Cut Foliage, Flowers &amp; Aquatic Plants, Revised <u>6/05</u> <del>8/99</del>.</p>
<p>Nematode Certification.</p>	<p>Mileage and <u>\$50 per sample</u> <del>\$30</del>.</p>	<p>DACS-08290<sup>3</sup>, Tomato/Tobacco Plant Certificate, Revised 8/99. DACS-08038<sup>3</sup>, Citrus Nursery Stock Inspection Tag, Revised <u>10/03</u> <del>7/99</del>. DACS-08048<sup>3</sup>, Burrowing Nematode Certificate, Revised <u>9/05</u> <del>2/00</del>. DACS-08049<sup>3</sup>, Nematode Certificate of Inspection for Shipping Nursery Stock to California, Revised <u>11/03</u> <del>7/99</del>. DACS-08130<sup>3</sup>, Reniform Nematode Certificate, Revised <u>10/05</u> <del>2/00</del>. DACS-08254<sup>3</sup>, Nematode Certificate of Inspection for Shipping Nursery Stock to California From Stock dealers/Brokers, Revised <u>5/06</u> <del>2/00</del>. DACS-08270<sup>3</sup>, Consolidation Declaration For Florida Nursery Stock Destined To Texas Or Louisiana, Revised <u>11/03</u> <del>12/99</del>.</p>

<p>Fumigation Services.</p>	<p>\$150 per fumigation of loads 40 cu. ft. or less, <del>\$350.00</del> <del>\$300.00</del> per fumigation of loads exceeding 40 cu. ft.</p>	<p>DACS-08207<sup>3</sup>, Request for Fumigation – Wahneta Facility, Revised <del>4/06</del> <del>4/99</del>. DACS-08099<sup>3</sup>, Certificate of Treatment, Revised <del>6/03</del> <del>4/00</del>.</p>
<p>Irradiation treatment. Special Diagnostic fees Entomology.</p>	<p>\$200 minimum, \$500 per hour. \$55 per sample.</p>	<p>DACS-08074<sup>3</sup>, Entomology Specimen Report, Revised 11/99.</p>
<p>Disease specimens.</p>	<p>\$55 per sample.</p>	<p>DACS-08079<sup>3</sup>, Plant Pathology Specimen Report, Revised 1/00.</p>
<p>Lettuce mosaic samples. Nematology roots and soil.</p>	<p>\$90 per sample (\$180 if found positive). \$25 per sample.</p>	<p>DACS-08077<sup>3</sup>, Nematode Report, Revised 4/03.</p>
<p>Caribbean fruit fly protocol participation.</p>	<p>\$3.50 per acre per month.</p>	<p>DACS-08161<sup>3</sup>, Caribbean Fruit Fly Protocol Application For Participation, Revised 4/06. DACS-08233<sup>3</sup>, Caribbean Fruit Fly Certification Program-Establishment of McPhail Traps, Revised 5/06.</p>
<p>Grades and standards regarding inspections.</p>	<p>Mileage and \$50 per hour per inspector from time of arrival to departure, \$50 minimum.</p>	<p>DACS-08228<sup>3</sup> Grades and Standards-Regrading Report, Revised <del>6/05</del> <del>4/99</del>.</p>
<p>Permits for importing regulated organisms.</p>	<p>\$12.50 per species not to exceed \$50 per permit.</p>	<p>DACS-08208<sup>3</sup>, Application and Permit to Move Organisms Regulated By The State Of Florida, Revised <del>5/06</del> <del>04/00</del>.</p>

<sup>1</sup>Mileage shall be based on the prevailing state mileage rate.

<sup>2</sup>There shall be a \$15 charge for each additional phytosanitary export, phytosanitary reexport, inspection and state of origin, and other applicable special inspection certificate written at the same location provided no inspection was made.

<sup>3</sup>All DACS forms referenced above are supplied by the division and are incorporated herein by reference. Copies of any of these forms may be obtained from the Division of Plant Industry, Bureau of Plant and Apiary Inspection, P. O. Box 147100, Gainesville, Florida 32614-7100.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Danny Phelps, Assistant Bureau Chief of Plant Inspection, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Craig Meyer, Deputy Commissioner, Florida Department of Agriculture and Consumer Services, The Capital, 400 South Monroe Street, Tallahassee, Florida 32399

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

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

**DEPARTMENT OF TRANSPORTATION**

RULE CHAPTER NO.: 14-8  
 RULE CHAPTER TITLE: Rules of Procedure – Protection of Copyrightable Material  
 RULE NO.: 14-8.003  
 RULE TITLE: Protection of Copyrightable Material  
 PURPOSE AND EFFECT: Repeal of this rule is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The rule is obsolete and not required by statute.

SUMMARY: Rule 14-8.003, F.A.C., is being repealed.  
 SPECIFIC AUTHORITY: 334.044(2) FS.  
 LAW IMPLEMENTED: 286.021, 286.031, 334.049 FS.

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

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

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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-8.003 Protection of Copyrightable Material.

Specific Authority 334.044 (2) FS. Law Implemented 286.021, 286.031, 334.049 FS. History–New 12-29-75, Amended 4-11-76, Formerly 14-8.03, Amended 8-5-96, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bruce Conroy, Acting Deputy General Counsel

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lowell Clary, Assistant Secretary for Finance and Administration, for Denver J. Stutler, Jr., P.E., Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-203.101  
 RULE TITLE: Canteen Operations  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00, unless an increase up to \$100.00 is approved by the Secretary for special occasions and delete language from the rule relating to investigation and recovery of minor shortages from the operator’s salary.

SUMMARY: Amends the rule to decrease the limit on inmate weekly canteen purchases from \$100 to \$65.00, unless an increase up to \$100.00 is approved by the Secretary for special occasions and amends the rule to remove language relating to investigation and recovery of minor shortages from the operator’s salary.

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

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

SPECIFIC AUTHORITY: 20.315, 944.09, 945.215 FS.  
 LAW IMPLEMENTED: 20.315, 944.09, 945.215, 946.002 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:

33-203.101 Canteen Operations.

- (1) No change.
- (2) Each inmate shall be allowed to purchase \$65.00 ~~\$100.00~~ of canteen merchandise on a weekly basis; unless an increase up to \$100.00 is approved by the Secretary for special occasions.
- (3) through (7) No change.
- (8) All material shortages of inventory or money at the canteens will be formally investigated by local investigators immediately upon determining that a shortage exists. A formal investigation must include the appointment of an investigating officer and the preparation of records reflecting all aspects of the investigation, including the placement of responsibility for the shortage where possible. If the report reflects negligence on the part of an employee or inmate, the Regional Director or warden will recoup the shortage from that person or persons. If the investigation and any subsequent action does not result in recoupment of the shortage, the report will be forwarded to the

Inspector General in Central Office for further disposition. Disciplinary action will be taken against inmates found to be negligent. ~~All minor shortages, that is, those which can be recovered from the operator's salary, shall be investigated to the extent necessary to satisfy both the canteen operator and the business office staff as to the apparent cause of the shortage.~~

Specific Authority 20.315, 944.09, 945.215 FS. Law Implemented 20.315, 944.09, 945.215, 946.002 FS. History--New 1-20-86, Formerly 33-3.035, Amended 11-22-91, 5-25-95, 11-13-95, 5-28-96, 2-12-97, Formerly 33-3.0035, Amended 11-18-02, 12-3-03, 12-14-04, 6-16-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millie Seay, Director of Administration  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia "Tina" Hayes, Acting Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-203.201  
 RULE TITLE: Inmate Trust Fund  
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces.

SUMMARY: Amends the rule to provide that inmates are charged one percent of their total weekly canteen purchases and \$0.50 for each deposit and inmates housed at Work Release Centers are assessed a \$1.00 fee for each weekly cash draw. The rule is also amended to provide a waiver of fees for Veterans of the United States Armed Forces.

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

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

SPECIFIC AUTHORITY: 944.09, 944.516, 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717, 944.09, 944.516, 945.091, 945.215 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:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases \$1.00 for each weekly draw, and \$0.50 for each deposit and each special withdrawal. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces.

(2) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Millie Seay, Director of Administration  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia "Tina" Hayes, Acting Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.: 40C-4.091  
 RULE TITLES: Publications Incorporated by Reference  
 40C-4.301 Conditions for Issuance of Permits  
 40C-4.900 Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) create the "Wekiva Recharge Protection Basin," (2) amend and update the environmental resource permit ("ERP") application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (3) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require

an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (4) repeal from the Wekiva River Hydrologic Basin the recharge criteria and "Most Effective Recharge Areas" (which areas will be superceded by the new Wekiva Recharge Protection Basin), (5) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin, (6) amend and update the list of type "A" soils (as defined by the Natural Resources Conservation Service Soil Survey) that are located within the Wekiva Recharge Protection Basin, (7) update cites to reference guides on erosion and sediment control plans (including best management practices), and (8) create a legal description for the Wekiva Recharge Protection Basin, which is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes (2005). The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current ERP rule criteria and terminology, (3) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type "A" soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (4) delete the recharge criteria and "Most Effective Recharge Areas" from the Wekiva River Hydrologic Basin, (5) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin, (6) update the list of type "A" soils where Wekiva recharge criteria apply, (7) update the reference guides on erosion and sediment control plans, and (8) describe the legal boundaries of the Wekiva Recharge Protection Basin.

**SUMMARY:** The proposed rule amendments would create the "Wekiva Recharge Protection Basin" in sections 11.0(d) and 11.3, Figure 11.3-2, and Appendix K of the Applicant's Handbook (A.H.), amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in section 11.3.1, A.H., repeal the recharge criteria and "Most Effective Recharge Areas" from the Wekiva River Hydrologic Basin in section 11.3.1 and Figure 11.3-2, A.H., amend and update the list of type "A" soils in section 18.1, A.H., and update reference guides on erosions and sediment control plans in section 18.4, A.H.

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

Any person who wishes to provide information regarding a 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:** 369.318, 373.044, 373.113, 373.418 FS.

**LAW IMPLEMENTED:** 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

**DATE AND TIME:** October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

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

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Wekiva Recharge Protection Basin." Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective 2-1-05.

(b) through (c) No change.

(2) No change.

Specific Authority 369.318, 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 369.316, 369.318, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History–New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05,\_\_\_\_\_.

40C-4.301 Conditions for Issuance of Permits.

(1) through (3) No change.

Specific Authority 369.318, 373.016, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.016, 373.042, 373.0421, 373.409, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 1-31-77, Formerly 161-4.10 and 40C-4.10, Amended 2-3-81, 12-7-83, Formerly 40C-4.301, 40C-4.030. Amended 9-25-91, 9-16-92, 6-7-93, 10-3-95, 10-11-01,\_\_\_\_\_.

40C-4.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from any of the District offices listed in Rule 40C-4.091, F.A.C.

(1) Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (Effective date) ~~10-3-95~~.

(2) through (10) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History–New 5-30-90, Amended 11-12-91, 2-27-94, 10-3-95, 1-7-99, 2-1-05,\_\_\_\_\_.

APPLICANT’S HANDBOOK SECTION:

11.0 Basin Criteria

Chapter 40C-41, F.A.C., and this section establish additional criteria which are to be used in reviewing applications for permits in certain hydrologic basins. These basins are:

- (a) Upper St. Johns River Hydrologic Basin
- (b) Ocklawaha River Hydrologic Basin
- (c) Wekiva River Hydrologic Basin
- (d) Wekiva Recharge Protection Basin
- ~~(e)(d)~~ Econlockhatchee River Hydrologic Basin
- ~~(f)(e)~~ Tomoka River Hydrologic Basin
- ~~(g)(f)~~ Spruce Creek Hydrologic Basin
- ~~(h)(g)~~ Sensitive Karst Areas Basin
- (i)(h) Lake Apopka Hydrologic Basin

See Figure 11.0-1 for a description of the areas contained within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin and the Spruce Creek Hydrologic Basin. See Figures 11.0-2, 11.0-3, and 11.0-4 for a description of the areas contained within the Sensitive Karst Areas Basin. See Figure 11.0-5 for a description of the areas contained within the Lake Apopka Hydrologic Basin. A legal description of the Hydrologic Basin boundaries is available in Appendix K.

11.2 No change.

11.3 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin

In addition to the standards and design criteria described in sections 9.0 and 10.0 above, systems in the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin (which are both shown in Figure 11.3-2) must meet the following standards and criteria as described below:

11.3.1 Recharge Standard

Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils.

~~Projects or portions of projects in Most Effective Recharge Areas must retain three inches of runoff from the directly connected impervious area within the project area. Applicants may instead demonstrate that the post-development recharge will be equal to or greater than the predevelopment recharge. Most Effective Recharge Areas have been defined by the U.S. Geological Survey as areas which have 10-20 inches of recharge per year. Figure 11.3-2 shows the approximate location of Most Effective Recharge Areas in the Wekiva Basin. Most Effective Recharge Areas can be more accurately defined by soil types. The Soil Conservation Service has categorized soils according to hydrologic characteristics. Those soils determined by the SCS to be Type "A" Hydrologic Soil Group shall be considered to be Most Effective Recharge Areas.~~

~~Section 18.1 contains a list of Type "A" soils. This list will be used to determine whether a proposed project or portion of a project is in the Most Effective Recharge Area. Also, applicants may submit additional~~

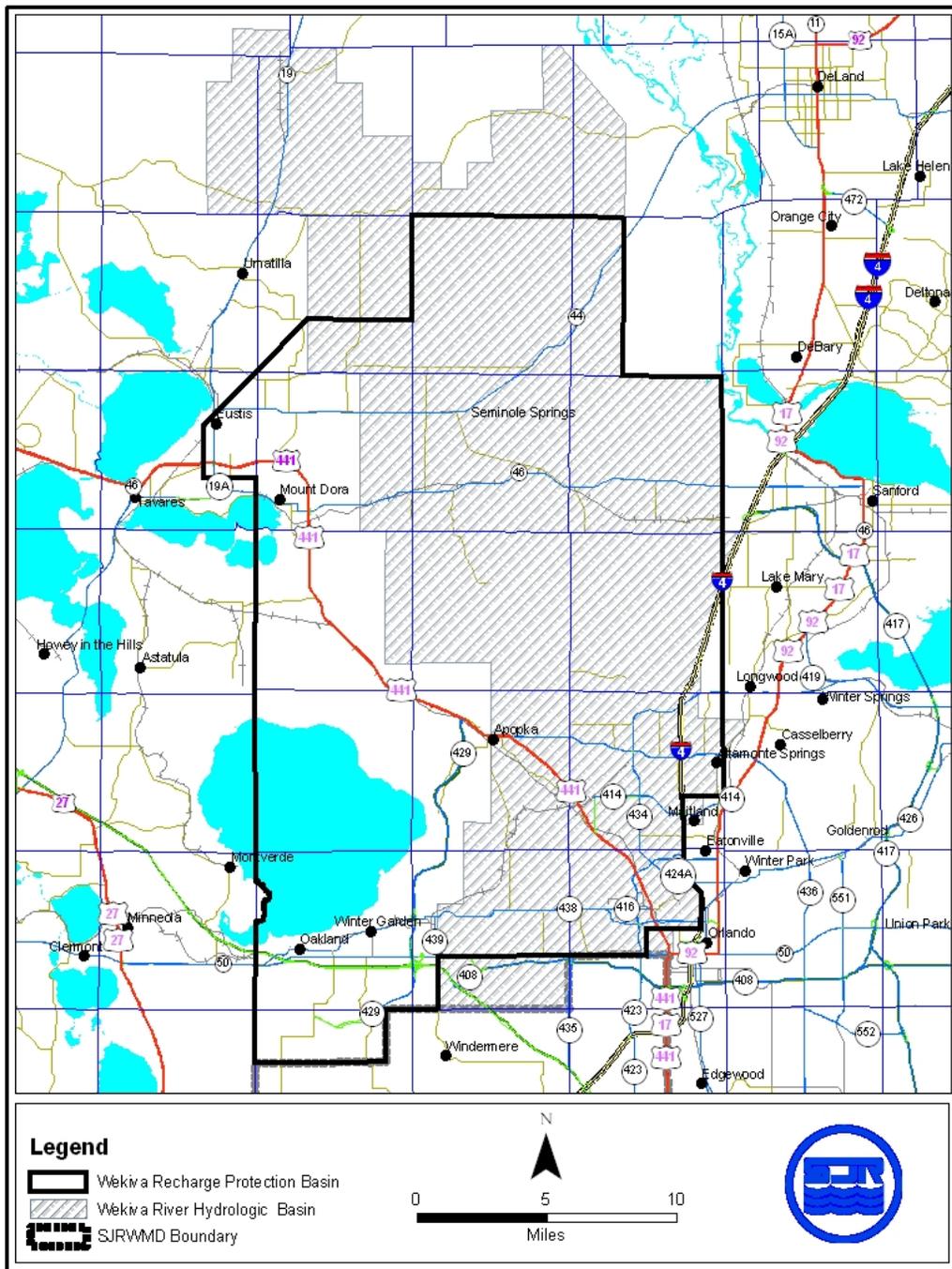
~~geotechnical information to establish whether or not a site contains Type "A" soils and is within the Most Effective Recharge Area.~~

~~Directly connected impervious areas are those impervious areas which are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other man-made conveyance. Stormwater that is retained must be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.~~

#### 11.3.2 Storage Standard

Within the Wekiva River Hydrologic Basin, ~~a~~A system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other watercourse which has a drainage area upstream of more than one square mile and which has a direct hydrologic connection to the Wekiva or Little Wekiva Rivers or Black Water Creek.

Figure 11.3-2 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



11.3.3 Standards for Erosion and Sediment Control and Water Quality

Construction and alteration of systems can result in erosion and downstream turbidity and sedimentation of waters. Erosion is the process by which the land surface is worn away by action of wind, water, and gravity. During construction and alteration, the potential for erosion increases dramatically. The result of erosion is discharges of turbid water and subsequent sedimentation (settling out) of soil particles in downstream receiving waters. Turbidity, suspended solids, and sedimentation result in adverse biological effects in aquatic and wetland environments, water quality degradation, and loss of flood storage and conveyance. The potential for erosion can be severe in the Wekiva River Hydrologic Basin as a result of steep slopes and erosive soils.

(a) Although erosion and sediment control measures are required throughout the St. Johns River Water Management District, the District has determined that the problems associated with erosion in the Wekiva River Hydrologic Basin are sufficiently serious to warrant requiring those applicants proposing certain systems to provide detailed plans when permit applications are submitted.

A Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436, Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

An erosion and sediment control plan must be submitted as part of the surface water management permit application for a surface water management system which:

- 1. and 2. No change.

The applicant proposing such a system must give reasonable assurance in the erosion and sediment control plan that during construction or alteration of the system (including revegetation and stabilization), erosion will be minimized and sediment will be retained on-site. The plan must be in conformance with the erosion and sediment control principles set forth in section 18.2, Applicant's Handbook: Management and Storage of Surface Waters, and must contain the information set forth in section 18.3, Applicant's Handbook: Management and Storage of Surface Waters.

- (b) No change.

11.3.4 Standard for Limiting Drawdown

Lowering the ground water table adjacent to wetlands can change the wetland hydroperiod such that the functions provided by the wetland are adversely affected.

Within the Wekiva River Hydrologic Basin, a Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d) is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extent of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions.

It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

11.3.5 Standard for Riparian Wildlife Habitat

Within the Wekiva River Hydrologic Basin, tThe wetlands abutting the Wekiva River, Little Wekiva River downstream of Maitland Boulevard, Rock Springs Run, Black Water Creek, Sulphur Run and Seminole Creek support an abundance and diversity of aquatic and wetland dependent wildlife. Uplands abutting these wetlands protect the wetlands from climatic extremes and also provide important habitat for some aquatic and wetland dependent species. Construction and alteration of surface water management systems within these wetlands and uplands can result in adverse changes in the habitat, abundance, and food sources of aquatic and wetland dependent species.

- (a) through (c) No change.

11.3.6 No change.

18.0 ~~Additional Wekiva River Hydrologic Basin, Tomoka River Hydrologic Basin, and Spruce Creek Hydrologic Basin Criteria~~

18.1 Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1975); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. Soil Types Within Most Effective Recharge Area

**Flagler County**

Astatula  
 Bulow  
 Cocoa  
 Orsino  
 Palm Beach Sand  
 Paola  
 Tavares  
 Welaka

**Lake County**

Apopka  
Apopka Urban Land  
 Astatula Sand  
Candler  
Candler Urban Land  
Kendrick  
Lake  
Lake Urban Land  
Orlando  
Orsino  
 Paola Sand  
Paola Urban Land  
St. Lucie  
St. Lucie Urban Land  
 Tavares Sand  
Tavares Urban Land  
~~Ocala National Forest~~

~~Astatula Sand~~

~~Paola Sand~~

**Orange County**

Archbold  
Apopka  
Candler  
Candler Urban Land  
Florahome  
Florahome Urban Land  
Lake  
Millhopper  
Millhopper Urban Land  
St. Lucie

St. Lucie Urban Land  
Tavares  
Tavares Urban Land  
~~Blanton Fine Sand~~  
~~Blanton and Esotorine Sands~~  
~~Eustis Fine Sand~~  
~~Lakeland Fine Sand~~  
~~Orlando Fine Sand~~  
~~St. Lucie Fine Sand~~  
**Seminole County**  
Apopka  
Astatula  
Millhopper  
Paola  
St. Lucie  
Tavares  
~~Blanton Fine Sand~~  
~~Lakeland Fine Sand~~  
~~Lakewood Sand~~  
~~St. Lucie Fine Sand~~

**Volusia County**

Apopka  
 Arents  
 Astatula  
 Astatula Urban Land  
 Bulow  
 Cocoa  
 Cocoa Urban  
 Deland  
 Orsino  
 Palm Beach  
 Palm Beach Urban Land  
 Paola  
 Paola Urban Land  
 St. Lucie  
 Tavares

18.2 and 18.3 No change.

18.4 References For Erosion and Sediment Control

The following references provide detailed information on erosion and sediment control plans, including standards and specifications for specific best management practices:

(a) Florida Department of Environmental Regulation, The Florida Land Development Manual: A Guide to Sound Land and Water Management (FDER 1988 Draft). Chapter 6. Stormwater and Erosion and Sediment Control Best Management Practices for Developing Areas.

(b) Goldman, Jackson and Bursztynsky, 1986. Erosion and Sediment Control Handbook. McGraw-Hill Book Company. New York.

(c) Florida Department of Transportation (FDOT), and Florida Department of Environmental Protection (FDEP), The Florida Stormwater, Erosion, and Sediment Control Inspector's Manual (FDEP and FDOT 1999) Florida Roadway and Traffic Design Standards.

APPENDIX K  
LEGAL DESCRIPTION

WEKIVA RECHARGE PROTECTION BASIN<sup>1</sup>

Begin at the northwest corner of Section 6, Township 18 South, Range 28 East, Lake County, Florida, said corner lying on the north line of Township 18 South; thence Easterly along said north line of Township 18 South to the northeast corner of Section 5, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 5 to the northeast corner of Section 8, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 8 to the northeast corner of Section 17, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 17 to the northeast corner of Section 20, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 20 to the northeast corner of Section 29, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 29 to the northeast corner of Section 32, Township 18 South, Range 29 East; thence Southerly along the east line of said Section 32 to the southeast corner thereof, said corner lying on the south line of Township 18 South; thence Easterly along the south line of said Township 18 South to an intersection with the east line of Range 29 East; thence Southerly along the east line of said Range 29 East to the southeast corner of Section 24, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 21 South, Range 29 East; thence Westerly along the south line of said Section 23, to an intersection with the centerline of Interstate Highway No. 4; thence generally Southerly along the centerline of Interstate Highway No. 4 to an intersection with the south line of Section 13, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 13 to the southeast corner of Section 14, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 14 to the southeast corner of Section 15, Township 22 South, Range 29 East; thence Westerly along the south line of said Section 15 to the northeast corner of Section 21, Township 22 South, Range 29 East; thence Southerly along the east line of said Section 21 to an intersection with the centerline of State Road No. 50;

thence Westerly along the centerline of said State Road No. 50 to the northeast corner of Section 30, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 30 to the northeast corner of Section 31, Township 22 South, Range 28 East; thence Southerly along the east line of said Section 31 to the southeast corner thereof, said corner lying on the south line of Township 22 South; thence Westerly along said south line of Township 22 South to the northeast corner of Section 2, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 2 to the northeast corner of Section 11, Township 23 South, Range 27 East; thence Southerly along the east line of said Section 11 to the southeast corner thereof; thence Westerly along the south line of said Section 11 to the southeast corner of Section 10, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 10 to the southeast corner of Section 9, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 9 to the Southeast corner of Section 8, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 8 to the southeast corner of Section 7, Township 23 South, Range 27 East; thence Westerly along the south line of said Section 7 to the southwest corner thereof, said corner lying on the line of demarcation between Orange County and Lake County; thence generally Northerly and along said county line to the northeast corner of Section 12, Township 20 South, Range 26 East, said corner lying on the east line of Range 26 East; thence generally Northerly and along said east line of Range 26 East to the southeast corner of Section 24, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 24 to the southeast corner of Section 23, Township 19 South, Range 26 East; thence Westerly along the south line of said Section 23 to the southwest corner thereof; thence Northerly along the west line of said Section 23 to the southwest corner of Section 14, Township 19 South, Range 26 East; thence Northerly along the west line of said Section 14 to the southwest corner of Section 11, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 1, Township 19 South, Range 26 East; thence generally Northeasterly to the southwest corner of Section 31, Township 18 South, Range 27 East; thence generally Northeasterly to the southwest corner of Section 29, Township 18 South, Range 27 East; thence generally Northeasterly to the northwest corner of Section 28, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 28 to the northwest corner of Section 27, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 27 to the northwest corner of Section 26, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 26 to the northwest corner of Section 25, Township 18 South, Range 27 East; thence Easterly along the north line of said Section 25 to an intersection with the west line of Range 28 East; thence

<sup>1</sup>This legal description is for the same area defined as the "Wekiva Study Area" in Section 369.316, Florida Statutes.

Northerly along the west line of said Range 28 East, to the northwest corner of Section 6, Township 18 South, Range 28 East, and the Point of Beginning.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NO.: 40C-40.900                      RULE TITLE: Forms and Instructions

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to amend and update the environmental resource permit (“ERP”) application form to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology.

SUMMARY: The proposed rule amendment would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1).

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

Any person who wishes to provide information regarding a 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: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-40.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved by the Governing Board and are available upon request from the following District offices:

St. Johns River Water Management District, Division of Permit Data Services, 4049 Reid Street, Palatka, Florida 32177-2529.

St. Johns River Water Management District, 7775 Baymeadows Way, Suite 102, Jacksonville, Florida 32256.

St. Johns River Water Management District, 975 Keller Road, Altamonte Springs, Florida 32714-1618.

St. Johns River Water Management District, 525 Community College Pkwy, S.E. Palm Bay, Florida 32909

Joint Application for Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit, form number 40C-4.900(1), ~~revised 2-1-05~~, adopted (Effective date) ~~40-3-95~~.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.4136, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.426, 373.461, 403.0877 FS. History—New 5-30-90, Amended 2-27-94, 10-3-95, 2-1-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-41.011	Policy and Purpose
40C-41.023	Basin Boundaries
40C-41.033	Implementation
40C-41.043	Application of Chapter
40C-41.063	Conditions for Issuance of Permits

**PURPOSE AND EFFECT:** The purposes of this proposed rule amendment are to (1) create the “Wekiva Recharge Protection Basin,” (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) repeal from the Wekiva River Hydrologic Basin the recharge criteria and “Most Effective Recharge Areas” (which areas will be superseded by the new Wekiva Recharge Protection Basin), and (4) amend the Wekiva River Hydrologic Basin rules to clarify which criteria apply within the Wekiva River Hydrologic Basin and that the Wekiva recharge criteria only apply within the Wekiva Recharge Protection Basin. The effects of the proposed amendment are to (1) establish the Wekiva Recharge Protection Basin, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) delete the recharge criteria from the Wekiva River Hydrologic Basin, and (4) clarify that the Wekiva recharge criteria will only apply in the Wekiva Recharge Protection Basin.

**SUMMARY:** The proposed rule amendments would create the “Wekiva Recharge Protection Basin” in Rules 40C-41.011, 40C-41.023(4), 40C-41.033, 40C-41.043, F.A.C., and Figure 41-6, create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring an ERP in paragraph 40C-41.063(3)(a), F.A.C., repeal the existing recharge criteria from the Wekiva River Hydrologic Basin rules in paragraph 40C-41.063(3)(a), F.A.C., and create a requirement that the new Wekiva recharge criteria will also apply to stormwater management systems requiring permits pursuant to Rules 40C-42.022 or 40C-44.041, F.A.C., respectively in subsections 40C-41.043(5)-(6), F.A.C.

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

Any person who wishes to provide information regarding a 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:** 369.318, 373.044, 373.113, 373.418 FS.

**LAW IMPLEMENTED:** 369.316, 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426 FS.

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

**DATE AND TIME:** October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

**PLACE:** St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386) 329-4450 (TDD).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

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

40C-41.011 Policy and Purpose.

The rules in this chapter establish additional surface water management standards and criteria for the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, the Sensitive Karst Areas Basin, and the Lake Apopka Hydrologic Basin, which insure that development within the basins incorporates the appropriate water quantity and water quality control and other environmental measures necessary to protect the integrity of the public investments in the basins and which minimizes adverse impacts to the water resources of the District. Standards and criteria delineated in this chapter are in addition to those criteria specified in Chapters 40C-4, 40C-40, 40C-42, and 40C-44, F.A.C., in accordance with Rule 40C-41.043, F.A.C. The standards, criteria, exemptions, and additional requirements specified in this chapter are not intended to

supersede or rescind the terms and conditions of any valid surface water management permit issued by the District prior to the effective date of this chapter.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416 373.418, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03,\_\_\_\_\_.

40C-41.023 Basin Boundaries.

(1) through (2) No change.

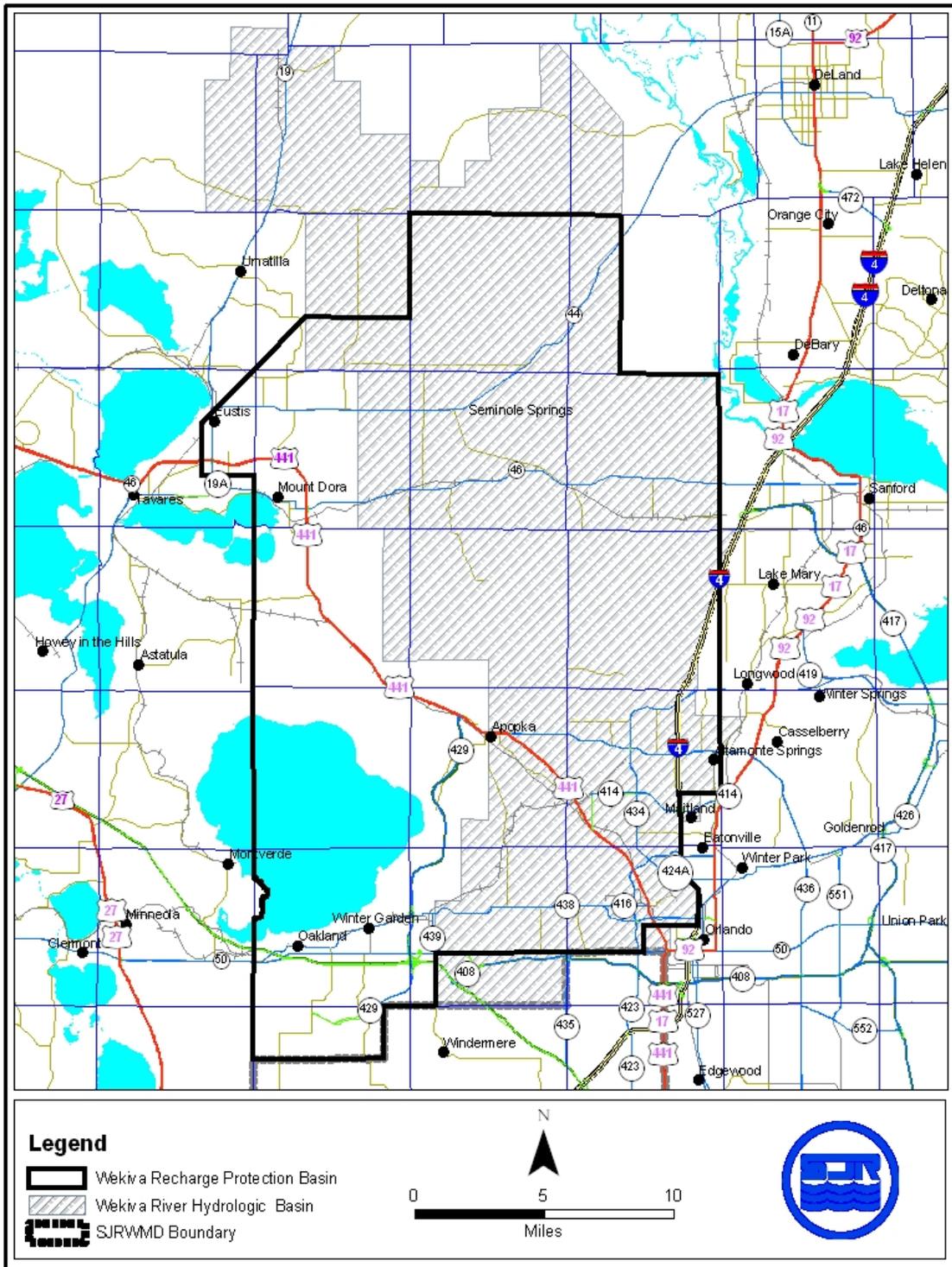
(3) The Wekiva River Hydrologic Basin is that area generally depicted in Figures 41-1 and 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) The Wekiva Recharge Protection Basin is that area generally depicted in Figure 41-6 and defined in Applicant’s Handbook, Appendix K as incorporated by reference in Rule 40C-4.091, F.A.C.

(4) through (7) renumbered (5) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171 FS. Law Implemented 369.316, 369.318, 373.413, 373.416, 373.426, 373.461 FS. History–New 12-7-83, Amended 5-17-87, 4-3-91, 9-25-91, 11-25-98, 3-07-03,\_\_\_\_\_.

Figure 41-6 Wekiva River Hydrologic Basin and Wekiva Recharge Protection Basin



## 40C-41.033 Implementation.

The effective date of this chapter is December 7, 1983, for the criteria of subsections 40C-41.063(1) and (2), F.A.C.; (effective date) for the standards and criteria in paragraph 40C-41.063(3)(a), F.A.C.; May 17, 1987, for the standards of paragraphs 40C-41.063(3)(b), F.A.C.; August 30, 1988, for the standards and criteria of paragraphs 40C-41.063(3)(c), (d) and (e), F.A.C.; April 3, 1991, for the standards and criteria in subsection 40C-41.063(5), F.A.C.; September 25, 1991 for the criteria of subsection 40C-41.063(7), F.A.C.; November 25, 1998, 41-25-98 for the criteria of subsection 40C-41.063(6), F.A.C.; and March 7, 2003, for the standards and criteria in subsection 40C-41.063(8), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 11-25-98, 3-7-03, 11-11-03,\_\_\_\_\_.

## 40C-41.043 Application of Chapter.

(1) All projects located within the Upper St. Johns River Hydrologic Basin, the Ocklawaha River Hydrologic Basin, the Wekiva River Hydrologic Basin, the Wekiva Recharge Protection Basin, the Econlockhatchee River Hydrologic Basin, the Tomoka River Hydrologic Basin, the Spruce Creek Hydrologic Basin, or the Lake Apopka Hydrologic Basin, requiring permits pursuant to Rule 40C-4.041, F.A.C., shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rules 40C-41.063, and either 40C-4.301 and 40C-4.302, or 40C-40.302, F.A.C., unless specifically exempted in Rule 40C-41.051, F.A.C., or otherwise provided in subsection 40C-41.043(3) or 40C-41.043(4), F.A.C. The most restrictive criteria will be applicable unless the applicant provides reasonable assurance that the purposes and intent of this chapter and Chapter 40C-4, F.A.C., will be fulfilled using alternate criteria.

(2) through (4) No change.

(5) Stormwater management systems requiring permits pursuant to Rule 40C-42.022, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-42.023, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

(6) Agricultural surface water management systems requiring permits pursuant to Rule 40C-44.041, F.A.C., that will be located within the Wekiva Recharge Protection Basin, shall be constructed, operated, maintained, altered, abandoned and removed in accordance with the standards and criteria specified in Rule 40C-44.301, F.A.C., and paragraph 40C-41.063(3)(a), F.A.C.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.415 FS. Law Implemented 369.318, 373.413, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 10-3-95, 11-25-98, 3-7-03,\_\_\_\_\_.

## 40C-41.063 Conditions for Issuance of Permits.

(1) through (2) No change.

(3) Within the Wekiva River Hydrologic Basin or the Wekiva Recharge Protection Basin, the following standards and criteria are established:

(a) Recharge Standard – Applicants required to obtain a permit pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., for a surface water management system located within the Wekiva Recharge Protection Basin shall demonstrate that the system provides for retention storage of three inches of runoff from all impervious areas proposed to be constructed on soils defined as a Type “A” Soils as defined by the Natural Resources Conservation Service (NRCS) Soil Survey in the following NRCS publications: Soil Survey of Flagler County Area, Florida (1997); Soil Survey of Lake County Area, Florida (1975); Soil Survey of Orange County Area, Florida (1989); Soil Survey of Seminole County Area, Florida (1990); and Soil Survey of Volusia County Area, Florida (1980), which are hereby incorporated by reference. Section 18.1 contains a list of Type “A” soils. The system shall be capable of infiltrating this storage volume through natural percolation into the surrounding soils within 72 hours. Off-site areas or regional systems may be utilized to satisfy this requirement. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity. Pre-development recharge shall be based upon the land uses in place as of (effective date). Applicants may utilize existing permitted municipal master stormwater systems, in lieu of onsite retention, to demonstrate that post-development recharge is equal to or greater than pre-development recharge. Also, applicants may submit additional geotechnical information to establish whether or not a site contains Type “A” soils. Three inches of runoff from all directly connected impervious areas must be retained within the project area for projects or portions of projects in Most Effective Recharge Areas. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.

(b) Storage Standard – Within the Wekiva River Hydrologic Basin, a system may not cause a net reduction in flood storage within the 100 year floodplain of a stream or other water course which has a drainage area of more than one square mile and which has a direct hydrologic connection to Little Wekiva River, Wekiva River, or Black Water Creek.

(c) Standards for Erosion and Sediment Control and Water Quality – Within the Wekiva River Hydrologic Basin, a Water Quality Protection Zone shall extend one half mile from the Wekiva River, Little Wekiva River north of State Road 436,

Black Water Creek, Rock Springs Run, Seminole Creek, and Sulphur Run, and shall also extend one quarter mile from any wetland abutting an Outstanding Florida Water.

1. through 3. No change.

(d) Standard for Limiting Drawdown – Within the Wekiva River Hydrologic Basin, ~~a~~ Water Quantity Protection Zone shall extend 300 feet landward of the landward extent of Black Water Swamp and the wetlands abutting the Wekiva River, Little Wekiva River, Rock Springs Run, Black Water Creek, Sulphur Run, Seminole Creek, Lake Norris, and Lake Dorr. As part of providing reasonable assurance that the standard set forth in paragraph 40C-4.301(1)(d), F.A.C., is met, where any part of a system located within this zone will cause a drawdown, the applicant must provide reasonable assurance that construction, alteration, operation, or maintenance of the system will not cause ground water table drawdowns which would adversely affect the functions provided by the referenced wetlands.

The applicant shall provide an analysis which includes a determination of the magnitude and areal extend of any drawdowns, based on site specific hydrogeologic data collected by the applicant, as well as a description of the referenced wetlands, the functions provided by these wetlands, and the predicted impacts to these functions. It is presumed that the part of this standard regarding drawdown effects will be met if the following criteria is met:

A ground water table drawdown must not occur within the Water Quantity Protection Zone.

(e) Standard for Riparian Wildlife Habitat Within the Wekiva River Hydrologic Basin

1. through 3. No change.

(4) through (8) No change.

Specific Authority 369.318, 373.044, 373.113, 373.414, 373.415, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History—New 12-7-83, Amended 5-17-87, 8-30-88, 4-3-91, 9-25-91, 7-14-92, 10-3-95, 11-25-98, 10-11-01, 3-7-03, 2-10-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

RULE NOS.:	RULE TITLES:
40C-42.023	Requirements for Issuance
40C-42.091	Publications Incorporated by Reference
40C-42.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes of this proposed rule amendment are to (1) amend and update the environmental resource permit (“ERP”) application forms to reflect both the new criteria for the Wekiva Recharge Protection Basin and current ERP criteria and terminology, (2) create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin that require an ERP pursuant to Chapters 40C-4, 40C-40, 40C-42, or 40C-44, F.A.C., (3) update Sections 3.3.1(b) and 3.3.2(f) of the Applicant’s Handbook (A.H.) to reflect the current threshold in paragraph 40C-42.022(1)(b) and 3.3.2(f), F.A.C., (4) update section 3.3.2(f), A.H., to reflect the current threshold in paragraph 40C-42.022(2)(f), F.A.C., (5) update Sections 11.1, 13.1, and 15.1, A.H., to reference current Chapter 62-555, F.A.C., and (6) update sections 14.3 and 14.4, A.H., to reflect the current wet detention design and performance criteria in paragraphs 40C-42.026(4)(b) and (4)(g), F.A.C. The effects of the proposed amendment are to (1) make the ERP application forms reflect both the new criteria of the Wekiva Recharge Protection Basin and current Stormwater ERP rule criteria and terminology, (2) require applications to demonstrate that systems within the Wekiva Recharge Protection Basin either retain three inches of runoff from all impervious areas proposed to be constructed on type “A” soils (and percolating into the soils within 72 hours) or otherwise demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity, (3) update existing Stormwater ERP thresholds and criteria to reflect current thresholds and criteria in Chapter 40C-42, F.A.C., and (4) update references to current Chapter 62-555, F.A.C.

SUMMARY: The proposed rule amendments would amend and update the ERP application form in Sections D, E, and H of Form 40C-4.900(1), create recharge criteria for certain systems located within the Wekiva Recharge Protection Basin requiring a Stormwater ERP in paragraph 40C-42.023(1)(d), F.A.C., update Stormwater ERP thresholds in sections 3.3.1(b) and 3.3.2(f), A.H., to reflect current thresholds, update references to current Chapter 62-555, F.A.C., update wet detention design and performance criteria in sections 14.3 and 14.4, A.H., to reflect current design and performance criteria.

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

Any person who wishes to provide information regarding a 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: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS.

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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-42.023 Requirements for Issuance.

(1) To receive a standard general or individual permit under this chapter the applicant must provide reasonable assurance based on plans, test results and other information, that the stormwater management system:

- (a) through (c) No change.
- (d) Meets any applicable basin criteria contained in paragraph 40C-41.063(3)(a), and subsections (7), and (8), F.A.C.

(2) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.418 FS. Law Implemented 369.318, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461 FS. History–New 9-25-91, Amended 3-21-93, 10-3-95, 3-7-03,\_\_\_\_\_.

40C-42.091 Publications Incorporated by Reference.

(1) The Governing Board adopts by reference Part I “Policy and Procedures”, Part II, “Criteria for Evaluation”, and Part III “Operation and Maintenance”, of the document entitled

“Applicant’s Handbook: Regulation of Stormwater Management Systems, Chapter 40C-42, F.A.C.”, effective ~~2-1-05~~.

(2) through (3) No change.

Specific Authority 369.318, 120.54(8), 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.109, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.419, 373.423, 373.426, 373.461, 403.0877, 403.813 FS. History–New 4-11-94, Amended 7-20-95, 10-3-95, 1-11-99, 10-11-01, 4-10-02, 2-1-05,\_\_\_\_\_.

40C-42.900 Forms and Instructions.

The following forms and instructions incorporated by reference have been approved the Governing Board and are available upon request from:

Department of Resource Management  
St. Johns River Water Management District  
4049 Reid Street  
Palatka, Florida 32177-2529.

(1) Joint Application For Environmental Resource Permit/Authorization to Use State Lands/Federal Dredge and Fill Permit , form number 40C-4.900(1), ~~revised 2-1-05~~ adopted (Effective date) ~~10-3-95~~.

(2) through (6) No change.

Specific Authority 373.044, 373.113, 373.118, 373.406, 373.414, 373.418 FS. Law Implemented 369.318, 373.085, 373.116, 373.117, 373.118, 373.406, 373.413, 373.414, 373.415, 373.416, 373.418, 373.426, 373.461, 403.0877 FS. History–New 5-30-90. Amended 9-25-91, 3-21-93, 2-27-94, 10-3-95, 10-11-01, 2-1-05,\_\_\_\_\_.

APPLICANT’S HANDBOOK SECTION:

3.3 Permit Thresholds

3.3.1 New Stormwater Management Systems

A standard general or individual environmental resource stormwater permit is required under this chapter for construction (including operation and maintenance) of a stormwater management system which serves a project that exceeds any of the following thresholds:

- (a) No change.
- (b) Construction of 9,000 ~~5,000~~ square feet total or more of building area or other impervious surface area not subject to vehicular traffic.
- (c) No change.

3.3.2 Existing Stormwater Management Systems

A permit is required under this chapter for alteration, removal, reconstruction, or abandonment of existing stormwater management systems which serve a project which may be expected to result in any of the following:

(a) through (e) No change.

(f) Construction of ~~9,000~~ 5,000 square feet or more of ~~building area or other~~ impervious surface area ~~not subject to vehicular traffic.~~

(g) No change.

8.0 Criteria for Evaluation

8.1 through 8.4 No change.

8.5 Surface Water Management Basin Criteria

Chapter 40C-41, F.A.C., establishes additional criteria which are used in reviewing applications for permits in certain hydrologic basins. The ~~three~~ two basins in the District which have additional criteria for chapter 40C-42, F.A.C., are the Sensitive Karst Basin, ~~and~~ the Lake Apopka Hydrologic Basin, ~~and the~~ Wekiva Recharge Protection Basin. The sensitive Karst Basin covers western Alachua and western Marion counties (See Figures 9.4, 9.5, and 9.6). The design criteria for the Sensitive Karst Basin are discussed in section 9.11 of this handbook. The Lake Apopka Hydrologic Basin covers Western Orange and eastern Lake Counties (see Figure 41-5 in Chapter 40C-41, F.A.C.). The design criteria for the Lake Apopka Hydrologic Basin are discussed in Subsections 40C-41.043(3) and 40C-41.063(8), F.A.C. The Wekiva Recharge Protection Basin covers eastern Lake, western Orange, western Seminole, and western Volusia Counties (see Figure 41-6 in Chapter 40C-41, F.A.C.) The design criteria for the Wekiva Recharge Protection Basin are discussed in subsection 40C-41.043(5) and paragraph 40C-41.063(3)(a), F.A.C.

11.0 Design Criteria and Guidelines for Retention Systems

11.1 Description

Retention system is defined as a storage area designed to store a defined quantity of runoff, allowing it to percolate through permeable soils into the shallow ground water aquifer. Stormwater retention works best using a variety of retention systems throughout the project site. Examples of retention systems include:

- Man-made or natural depressional areas where the floor is graded as flat as possible and turf is established to promote infiltration and stabilize the basin slopes (see Figure 11-1)
- Shallow landscaped areas designed to store stormwater
- Vegetated swales with swale blocks or raised inlets
- Pervious concrete with continuous curb

Soil permeability and water table conditions must be such that the retention system can percolate the desired runoff volume within a specified time following a storm event. After drawdown has

been completed, the basin does not hold any water, thus the system is normally “dry.” Unlike detention basins, the treatment volume for retention systems is not discharged to surface waters.

Retention systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile.

Retention systems should not be located in close proximity to drinking water supply wells. Chapter 62-~~55522~~, F.A.C., requires stormwater treatment facilities to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, retention systems can be utilized to promote the recharge of ground water to prevent saltwater intrusion in coastal areas or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant’s Handbook: Management and Storage of Surface Waters). Retention systems can also be used to meet the runoff volume criteria for projects requiring a permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant’s Handbook: Management and Storage of Surface Waters).

There are several design and performance criteria specific to retention systems which are described below.

11.2 through 11.6 No change.

13.0 Exfiltration Trench Design and Performance Criteria

13.1 Description

Exfiltration trench is a subsurface system consisting of a conduit such as perforated pipe surrounded by natural or artificial aggregate which temporarily stores and infiltrates stormwater runoff (Figure 13-1). Stormwater passes through the perforated pipe and infiltrates through the trench walls and bottom into the shallow groundwater aquifer. The perforated pipe increases the storage available in the trench and helps promote infiltration by making delivery of the

runoff more effective and evenly distributed over the length of the system (Livingston et al. 1988). Generally, exfiltration trench systems are utilized where space is limited and/or land costs are high (i.e., downtown urban areas).

Soil permeability and water table conditions must be such that the trench system can percolate the required stormwater runoff treatment volume within a specified time following a storm event. The trench system is returned to a normally "dry" condition when drawdown of the treatment volume is completed. Like retention basins, the treatment volume in exfiltration trench systems is not discharged to surface waters. Thus, exfiltration is considered a type of retention system.

Like other types of retention systems, exfiltration trench systems provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the soil profile. Exfiltration trench systems should not be located in close proximity to drinking water supply wells. Chapter 62-55522, F.A.C., requires stormwater treatment systems to be at least 100 feet from any public supply well. Chapter 40C-41, F.A.C., provides additional design features for systems constructed in Sensitive Karst Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, exfiltration trench systems can be utilized to promote the recharge of ground water and to prevent saltwater intrusion in coastal areas, or to maintain groundwater levels in aquifer recharge areas. Chapter 40C-41, F.A.C., contains recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant's Handbook: Management and Storage of Surface Waters). Exfiltration trench systems can also be used to meet the runoff volume criteria for projects requiring an environmental resource permit under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant's Handbook: Management and Storage of Surface Waters).

The operational life of an exfiltration trench is believed to be short (possibly 5 to 10 years) for most exfiltration systems. Sediment accumulation and clogging by fines can reduce the life of an exfiltration trench (Wanielista et al. 1991). Total

replacement of the trench may be the only possible means of restoring the treatment capacity and recovery of the system. Periodic replacement of the trench should be considered routine operational maintenance when selecting this management practice.

13.2 through 13.11 No change.

#### 14.0 Wet Detention Design and Performance Criteria

14.1 and 14.2 No change.

##### 14.3 Recovery Time

The outfall structure should be designed to drawdown one-half the required treatment volume within 24 and 30 ~~between 48 and 60~~ hours following a storm event, but no more than one-half of this volume will be discharged within the first 24 hours.

14.4 The outlet structure generally includes a drawdown device (such as an orifice, "V" or square notch weir) set to establish a normal water control evaluation and slowly release the treatment volume (see Figures 14-2 and 14-3 for schematics). The design of the outfall structure must also accommodate the passage of groundwater baseflows and flows from upstream stormwater management systems (see Figure 14-4).

The control elevation should be set at or above the design tailwater elevation so the pond can effectively recover the treatment storage. Also, drawdown devices smaller than 6 square 3 inches of cross-section area that is 2 inches wide ~~minimum width~~ or less than 20 degrees for "V" notches shall include a device to eliminate clogging. Examples of such devices include baffles, grates, screens, and pipe elbows.

14.5 through 14.14 No change.

#### 15.0 Design Criteria and Guidelines for Swale Systems

##### 15.1 Description

Swales are a man-made or natural system shaped or graded to required dimensions and designed for the conveyance and rapid infiltration of stormwater runoff. Swales are designed to infiltrate a defined quantity of runoff through the permeable soils of the swale floor and side slopes into the shallow ground water aquifer (Figure 15-1). Turf is established to promote infiltration and stabilize the side slopes. Soil permeability and water table conditions must be such that the swale can percolate the desired runoff volume from the 3-year, 1-hour storm event. The swale holds water only during and immediately after a storm event, thus the system is normally "dry." Unlike retention basins, swales are "open"

conveyance systems. This means there are no physical barriers such as berms or check-dams to impound the runoff in the swale prior to discharge to the receiving water.

Swales provide excellent removal of stormwater pollutants. Substantial amounts of suspended solids, oxygen demanding materials, heavy metals, bacteria, some varieties of pesticides and nutrients such as phosphorus are removed as runoff percolates through the vegetation and soil profile. Swale systems should not be located in close proximity to drinking water supply wells. As required by chapter 62-55522, F.A.C., stormwater treatment facilities must be at least 100 feet from any public supply well. Additional design criteria are established for swale systems constructed in Karst Sensitive Areas of the District where the drinking water aquifer is close to the land surface (see section 9.11).

Besides pollution control, swale systems can be utilized to promote the recharge of groundwater to prevent saltwater intrusion in coastal areas, and to maintain ground water levels in aquifer recharge areas. Swales can be incorporated into the design of a stormwater management system to meet the recharge criteria for the Wekiva Recharge Protection Basin and the Tomoka River and Spruce Creek Hydrologic Basins (see sections 11.3.1 and 11.5.1 of the Applicant's Handbook: Management and Storage of Surface Waters) or the runoff volume criteria for projects requiring permits under chapters 40C-4 or 40C-40, F.A.C., which discharge to land-locked lakes (see section 10.4 of the Applicant's Handbook: Management and Storage of Surface Waters).

Swales can also be utilized to provide pre-treatment of runoff prior to its release to another treatment BMP such as wet detention (see section 14.11) or wetlands stormwater management systems (see section 16.4). Pre-treatment reduces the pollutant loading to the downstream treatment system, increases the pollutant efficiency of the overall stormwater management system, and reduces maintenance. In some cases, pre-treatment may be used to meet the additional treatment criteria for discharges to sensitive receiving waters (Class I, Class II, and OFWs). For developments where the appearance of the downstream system (i.e, wet detention lake) is important, pre-treatment can reduce the probability of algal blooms occurring and slows the eutrophication process.

The design and performance criteria specific to swale systems are described in the following sections.

15.2 through 15.5 No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

**WATER MANAGEMENT DISTRICTS**

**St. Johns River Water Management District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
40C-44.065	Performance Standards
40C-44.091	Publications Incorporated by Reference
40C-44.101	Content of Application
40C-44.900	Forms and Instructions

PURPOSE AND EFFECT: The purposes and effects of this proposed rule amendments are to: (1) create a requirement that agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must meet the Wekiva recharge criteria proposed as part of a separate rule amendment, and (2) amend and update the environmental resource permit (ERP) application forms for agricultural systems to reflect both the new criteria for the Wekiva Recharge Protection Basin and current Agriculture ERP criteria.

SUMMARY: The proposed rule amendments would require that agricultural systems that will be located in the Wekiva Recharge Protection Basin meet the Wekiva recharge criteria, and would amend and update the Agricultural ERP application forms.

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

Any person who wishes to provide information regarding a 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: 369.318, 373.044, 373.113, 373.418 FS.

LAW IMPLEMENTED: 369.318, 373.413, 373.414, 373.416, 383.418, 373.426, 373.461 FS.

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

DATE AND TIME: October 10, 2006, Following the regularly scheduled Governing Board Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

If a person decides to appeal any decision with respect to any matter considered at the above listed public hearing, such person may need to ensure that a verbatim record of the proceeding is made to include testimony and evidence upon which the appeal is to be based.

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Ann Freeman at (386)329-4101 or (386)329-4450 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4459, Suncom 860-4459 or email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-44.065 Performance Standards.

(1) through (4) No change.

(5) Agricultural surface water management systems requiring a permit that will be located in the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant's Handbook: Management and Storage of Surface Waters.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.016, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 7-4-93, 10-3-95, 3-7-03,\_\_\_\_\_.

40C-44.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference Part I "Policy and Procedures" and Part II "Criteria for Evaluation," of the document entitled "Applicant's Handbook: Agricultural Surface Water Management Systems, effective, 3-7-03."

(a) through (b) No change.

(2) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.406, 373.416, 373.418 FS. Law Implemented, 369.318, 373.406, 373.413, 373.416, 373.418, 373.426, 373.461 FS. History--New 10-20-92, Amended 7-4-93, 10-3-9, 11-1-99, 4-10-02, 3-7-03,\_\_\_\_\_.

40C-44.101 Content of the Application.

(1) through (3) No change.

Specific Authority 369.318, 373.044, 373.113, 373.171, 373.416, 373.418 FS. Law Implemented 369.318, 373.146, 373.416, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 10-3-95,\_\_\_\_\_.

40C-44.900 Forms and Instructions.

The following forms and instructions are hereby incorporated by reference. They have been approved by the Governing Board and are available upon request from: District Headquarters, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529.

(1) Individual Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(1), adopted (Effective date) 10-3-95.

(2) Standard General Environmental Resource Agricultural System Permit Application, form no. 40C-44.900(2), adopted (Effective date) 10-3-95.

(3) No change.

Specific Authority 120.53(1), 369.318, 373.044, 373.113, 373.406, 373.416, 373.418 FS. Law Implemented 120.52(16), 120.53(1), 369.318, 373.103, 373.413, 373.416, 373.461 FS. History--New 8-11-91, Amended 10-20-92, 10-3-95,\_\_\_\_\_.

APPLICANT'S HANDBOOK SECTION:

10.2 Harm to the Water Resources Criteria

10.2.1 through 10.2.6 No change.

10.2.7 Agricultural surface water management systems requiring a permit that will be located within the Wekiva Recharge Protection Basin must comply with the requirements of paragraph 40C-41.063(3)(a), F.A.C., and Section 11.3.1, Applicant's Handbook: Management and Storage of Surface Waters.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jeff Elledge, Director, Department of Water Resources, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4203, suncom 860-4203

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2006

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-4.110  
 RULE TITLE: Hearing Services

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to incorporate by reference the revised Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006. The handbook revisions include Medicaid coverage for hearing aids and cochlear implants for

recipients age 21 and older, the policy that Medicaid reimburses for only one cochlear implant in either ear, policy clarifications, and updated billing information. The effect will be to incorporate by reference in the rule the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006.

SUMMARY: The purpose of this rule amendment is to incorporate by reference in the rule the Florida Medicaid Hearing Services Coverage and Limitations Handbook, July 2006.

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 409.906, 409.907, 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, September 18, 2006, 10:00 a.m.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.110 Hearing Services.

(1) No change.

(2) All physicians, audiologists and hearing aid specialists enrolled in the Medicaid program must be in compliance with the provisions of the Florida Medicaid Hearing Services Coverage and Limitations Handbook, ~~July 2006, January 2004, updated January 2005 1 and January 2005 2~~, which is incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal ~~agent's website at <http://floridamedicaid.acs-inc.com>~~ ~~agent~~. Click on Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling Provider Inquiry at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908 FS. History—New 8-3-80, Amended 7-21-83, Formerly 10C-7.522, Amended 4-13-93, Formerly 10C-7.0522, Amended 12-21-97, 10-13-98, 5-7-00, 7-5-01, 2-20-03, 8-5-03, 7-27-04, 7-26-05, 8-18-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jason Ottinger

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Christa Calamas, Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 12, 2006

## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

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

RULE NO.: RULE TITLE:

61B-75.002 Electronic Transmission of Notices

PURPOSE AND EFFECT: The Legislature enacted changes to the Cooperative Act (Chapter 719, Florida Statutes) that permits the use of electronic transmission for purposes of noticing elections and certain meetings with the prior consent of unit owners. The new rule defines "electronic transmission," provides for the association's adoption of bylaws for the electronic notice of meetings and for providing notice when it decides to stop noticing meetings by electronic transmission, describes the method by which unit owners may consent and revoke consent, delivery of notices and attachments, receipt of an electronic transmission, and provides that electronic addresses and other information is part of the association's official records unless the owner has revoked consent to the use of electronic transmissions.

SUMMARY: This proposed rule addresses the noticing of cooperative elections and meetings through the use of electronic transmission.

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

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

SPECIFIC AUTHORITY: 719.501(1)(f), 719.106(1)(d)1. FS.

LAW IMPLEMENTED: 719.104(2)(a)5., 719.106(1)(c), 719.106(1)(d), 719.106(1)(d)1., 719.106(1)(d)3., 719.106(1)(e)1., 719.106(2)(c) FS.

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

DATE AND TIME: September 11, 2006, 9:00 a.m.

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

THOSE PERSONS WHO CANNOT ATTEND IN PERSON MAY SUBMIT THEIR COMMENTS IN WRITING TO SHARON A. MALLOY, SENIOR MANAGEMENT

ANALYST II, DIVISION OF FLORIDA LAND SALES, CONDOMINIUMS AND MOBILE HOMES, 1940 NORTH MONROE STREET, TALLAHASSEE, FLORIDA 32399-1030, WITHIN 21 DAYS OF THIS NOTICE. WRITTEN COMMENTS RECEIVED AFTER THE HEARING MAY NOT BE CONSIDERED.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-75.002 Electronic Transmission of Notices.

(1) Definitions. "Electronic transmission" means any form of communication, not directly involving the physical transmission or transfer of paper, that creates a record that may be retained, retrieved, and reviewed by the recipient and that may be directly reproduced in a comprehensible and legible paper form by the recipient through an automated process such as a printer or a copy machine. Examples of electronic transmission include, but are not limited to, telegrams, facsimile transmission of images, and text that is sent via electronic mail between computers. Electronic transmission does not include oral communication by telephone.

(2) Association Notices.

(a) Associations may opt to deliver meeting notices by electronic transmission by following these rules or by adopting bylaws that are consistent with these requirements.

(b) Associations that decide to stop delivery of notices by electronic transmission shall notify all owners by electronic transmission of the date on which electronic transmission of notices will cease. Associations must mail the notice to those owners whose consent has been revoked or was never given.

(3)(a) Consent and Revocation of Consent. In order to be effective, any consent given by a unit owner to receive notices via electronic transmission, and any revocation of consent, must be in writing and must be signed by the owner of record or by a person holding a power of attorney executed by the shareholder of record. Consent or revocation of consent may be delivered to the association via electronic transmission, by hand-delivery, by United States mail, by certified United States mail, or by other commercial delivery service. The unit owner bears the risk of ensuring delivery.

(b) Delivery of Consent or Revocation of Consent. Any consent given by a unit owner to receive notices via electronic transmission must be actually received by a current officer, board member, or manager of the association, or by the association's registered agent. Unless otherwise agreed to by an association in advance of delivery of any consent or revocation of consent, delivery to an attorney who has represented the association in other legal matters will not be effective unless that attorney is also a board member, officer, or registered agent of the association.

(c) Automatic Revocation of Consent. Consent shall be automatically revoked if the association is unsuccessful in providing notice via electronic transmission for two consecutive transmissions to an owner, if and when the association becomes aware of such electronic failures.

(4) Attachments and Other Information. In order to be effective notice, notice of a meeting delivered via electronic transmission must contain all attachments and information required by law. For example, but not by way of limitation, the second notice of election provided by sub-paragraph 719.106(1)(d)1., Florida Statutes, must contain a second notice of the election along with the ballot and any valid candidate information sheets that are timely received. As a further example, electronic transmission of the budget meeting shall only be effective if a copy of the proposed annual budget accompanies the notice of budget meeting.

(5) Effect of Sending Electronic Meeting Notice. Notice of a meeting is effective when sent by the association, regardless of when the notice is actually received by the owner, if directed to the correct address, location or number, or if posted on a web site or internet location to which the owner has consented. The owner, by consenting to notice via electronic transmission, accepts the risk of not receiving electronic notice, except as provided in paragraph (2)(c) of this rule, so long as the association correctly directed the transmission to the address, number, or location provided by the owner. An affidavit of the secretary or other authorized agent of the association filed among the official records of the association that the notice has been duly provided via electronic transmission is verification that valid electronic transmission of the notice has occurred. An association may elect to provide, but is not required to provide, notice of meetings via non-electronic transmission even if notice has been sent to the same owner or owners via electronic transmission.

(6) Official Records. The association shall maintain among its official records, which shall be accessible to the owners or their duly authorized representatives, all consent forms including electronic numbers, addresses and locations, all affidavits, all fax receipts of notice and related communications, copies of all electronic notices and attachments sent by the association, and any other record created or received by the association related to the electronic transmission of meeting notices, except as provided in

sub-paragraph 719.104(2)(a)5., F.S. Electronic records may be maintained in electronic or paper format, but must be available for inspection and copying upon unit owner request.

Specific Authority 719.501(1)(f), 719.106(1)(d)1. FS. Law Implemented 719.104(2)(a)5., 719.106(1)(c), 719.106(1)(d), 719.106(1)(d)1, 719.106(1)(d)3., 719.106(1)(e)1., 719.106(2)(c) FS. History-New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Michael Cochran, Director of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2006

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Electrical Contractors' Licensing Board**

RULE NO.:	RULE TITLE:
61G6-10.0065	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 in order to implement Section 455.271(6)(b), Florida Statutes.

SUMMARY: The language in the newly created rule will provide instruction on how to reinstate a null and void license pursuant to Section 455.271(6)(b) of the Florida Statutes.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE 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 \$50.00 delinquency fee.

(5) Pay a \$5.00 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 \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 8, 2006

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Accountancy**

RULE NO.: 61H1-33.003      RULE TITLE: Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to include how continuing education credits may be earned by the members of the Board of Accountancy's Probable Cause Panel.

SUMMARY: The members of the Board's Probable Cause Panel can earn eight credit hours of continuing education in the areas of accounting and auditing per meeting.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been 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: 120.55(1)(a)4., 455.213(6), 455.2177, 455.2179, 473.304, 473.312 FS.

LAW IMPLEMENTED: 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-33.003 Continuing Professional Education.  
(1) through (5)(b)4. No change.

5. Members of the Board's Probable Cause Panel shall receive eight (8) hours per meeting of continuing professional education in Accounting and Auditing subjects for their service on the panel.

(6) through (7) No change.

Specific Authority 120.55(1)(a)4., 455.213(6), 455.2177, 455.2179, 473.304, 473.312 FS. Law Implemented 455.213(6), 455.2177, 455.2178, 455.2179, 473.305, 473.312(1)(a), (c) FS. History--New 12-4-79, Amended 2-3-81, 4-5-83, 10-19-83, 8-20-85, Formerly 21A-33.03, Amended 9-18-88, 7-7-92, 12-2-92, Formerly 21A-33.003, Amended 12-14-93, 1-26-98, 12-17-00, 8-21-01, 3-21-05, 5-18-05, 7-10-05, 7-23-06, \_\_\_\_\_.

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: July 21, 2006

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-13.004      RULE TITLE: Continuing Education

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education courses.

SUMMARY: The Board proposed a rule amendment to delineate hours in specific areas of practice that must be obtained during a licensure biennium.

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

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

SPECIFIC AUTHORITY: 456.025(7), 460.408(3) FS.

LAW IMPLEMENTED: 456.013(6), 456.025(7), 456.036(10), 460.408 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.004 Continuing Education.

(1) No change.

(2) Only those classroom hours earned at Board approved continuing education courses or under the provisions of this rule are acceptable. In addition to hours in risk management, six (6) hours of the forty (40) shall be in the area of record keeping/documentation and coding; and two (2) hours of the forty (40) must be in the area of ethics.

(3) No change.

(4) When attending an approved course, a licensee must provide a photo identification, sign in and ~~each time out each day~~ they enter or exit the meeting site room, and the licensee's ~~his or her~~ attendance must be certified by the course's registrar and submitted to the Board as verification.

(5) through (13) No change.

Specific Authority 456.025(7), 460.408(3) FS. Law Implemented 456.013(6), 456.025(7), 456.036(10), 460.408 FS. History--New 1-10-80, Amended 11-25-80, 1-13-82, Formerly 21D-13.04, Amended 6-22-86, 7-5-87, 1-25-88, 10-17-90, 10-15-92, Formerly 21D-13.004, Amended 10-26-93, Formerly 61F2-13.004, Amended 3-16-95, 7-18-95, 6-11-96, Formerly 59N-13.004, Amended 6-24-98, 8-4-99, 7-11-02, 11-30-03, 4-17-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-13.0045  
RULE TITLE: Continuing Education Course Required for Initial Licensure Renewal, or Reactivation

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education course required for initial, renewal, or reactivation of license.

SUMMARY: The Board proposed a rule amendment to address that the licensee must successfully completed a Board-approved course on HIV/AIDS before initial, renewal, or reactivation of license.

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

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

SPECIFIC AUTHORITY: 456.013, 456.033, 460.408(3) FS.

LAW IMPLEMENTED: 456.033, 456.013(7) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.0045 Continuing Education Course Required for Initial Licensure, Renewal, or Reactivation.

(1) No license shall ~~be granted and no license shall~~ be initially renewed ~~or reactivated~~ unless the ~~applicant~~ or licensee submits confirmation to the Board, on a form approved by the Board, that he or she has successfully completed a Board-approved course on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

(2) through (5) No change.

Specific Authority 456.013, 456.033, 460.408(3) FS. Law Implemented 456.033, 456.013(7) FS. History--New 5-2-89, Amended 1-28-90, Formerly 21D-13.0045, Amended 10-26-93, Formerly 61F2-13.0045, 59N-13.0045, Amended 5-5-02, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-13.007  
RULE TITLE: Continuing Education During Initial Licensure Period

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for continuing education during the initial licensure period.

SUMMARY: The Board proposed a rule amendment to address the required attendance at a Board meeting during the initial licensure biennium.

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

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

SPECIFIC AUTHORITY: 456.013(6), 460.405, 460.408 FS.

LAW IMPLEMENTED: 456.013(6), 460.408 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-13.007 Continuing Education During Initial Licensure Period.

(1) During the first twelve (12) months after initial licensure, practitioners are required to ~~obtain five (5) hours of continuing education in the subject area of risk management by attending one (1) full day or eight (8) hours~~ at a Florida Board of Chiropractic Medicine meeting at which disciplinary hearings are conducted as provided in subsection 64B2-13.004(8), F.A.C. Once the hours required by Rule 64B2-13.0045, F.A.C, have been met, licensed practitioners shall not be required to complete any other continuing education requirements during the biennium in which they receive initial licensure.

(2) Initial licensure practitioners who reside out of the state may satisfy this requirement within twelve (12) months after locating to the State of Florida. However, these licensees are required to complete the hours required by Rule 64B2-13.0045, F.A.C.

Specific Authority 456.013(6), 460.405, 460.408 FS. Law Implemented 456.013(6), 460.408 FS. History--New 1-25-88, Formerly 21D-13.007, 61F2-13.007, 59N-13.007, Amended 11-13-01, 5-4-03, 6-28-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-15.001  
 RULE TITLE: Deceptive and Misleading Advertising Prohibited; Policy; Definition

PURPOSE AND EFFECT: The Board proposes a rule amendment to address chiropractic specialties recognized by the Board.

SUMMARY: The Board proposed a rule amendment to address chiropractic specialties recognized by the Board and certain associations.

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: 460.405 FS.

LAW IMPLEMENTED: 456.062, 460.413(1)(d) 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-15.001 Deceptive and Misleading Advertising Prohibited; Policy; Definition.

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

(e)1. Chiropractic Specialties recognized by the Board are those recognized by the various Councils of the American Chiropractic Association, ~~or~~ the International Chiropractic Association, or International Academy of Clinical Neurology. Each specialty requires a minimum of 300 hours of post-graduate credit hours and passage of a written and oral examination approved by the American Chiropractic Association, ~~or~~ International Chiropractic Association, or International Academy of Clinical Neurology. Titles used for the respective specialty status are governed by the definitions articulated by the respective councils.

- (e)2. through 4. No change.
- (f) through (m) No change.
- (3) No change.

Specific Authority 460.405 FS. Law Implemented 456.062, 460.413(1)(d) FS. History–New 1-10-80, Amended 11-25-81, 5-12-83, Formerly 21D-15.01, Amended 4-19-89, Formerly 21D-15.001, 61F2-15.001, Amended 7-18-95, Formerly 59N-15.001, Amended 9-21-98, 5-20-99, 4-23-00, 11-19-00, 10-24-04, 11-27-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-16.0075  
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes a rule amendment to assess the penalty amount in rule citations.

SUMMARY: The Board proposed a rule amendment to increase the penalty amounts for continuing education deficiency citation and adding failing to attend a Board meeting during the initial licensure period as a citation offense.

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

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

SPECIFIC AUTHORITY: 456.039(3), 456.077, 460.405 FS.  
LAW IMPLEMENTED: 456.035, 456.039(3), 456.072(3), 456.073 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-16.0075 Citations.

(1) "Citation" means an instrument which meets the requirements set forth in Section 456.077, F.S., and which is served upon a licensee, an applicant, a candidate trainee, or any other person within the jurisdiction of this Board, for the purpose of assessing a penalty in an amount established by this rule. All citations will include a requirement that the subject correct the violation, if remediable, within a specified period of

time not to exceed sixty (60) days, and impose whatever obligations will remedy the offense, ~~except that up to six (6) months shall be permitted with regard to the completion of continuing education credit hours.~~

(2) through (3) No change.

(4) Failure of chiropractic physicians to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.

(a) Failure to complete less than twenty (20) ~~ten (10)~~ hours shall result in a penalty of \$2,500 ~~\$500~~;

(b) Failure to complete twenty-one (21) ~~ten (10)~~ or more hours will result in a penalty of \$5,000 ~~\$1,000~~. ~~In addition, licensees shall make up all continuing education hours in deficiency, and shall take one (1) additional hour of continuing education for each hour of continuing education deficiency. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.~~

(c) Failure to comply with Rule 64B2-13.007, F.A.C., shall result in a penalty of \$1,000.

(5) Failure of certified chiropractic physicians assistants to complete the required continuing education during the biennial license period; Section 456.072(3), F.S.;

(a) Failure to complete less than ten (10) hours shall result in a penalty of \$ 100;

(b) Failure to complete ten (10) or more hours will result in a penalty of \$200. In addition, licensees shall make up all continuing education hours in deficiency, and shall take one (1) additional hour of continuing education for each hour of continuing education deficiency and must be completed within six (6) months of the filing date of the citation. Said hours shall not count toward the licensee's continuing education renewal requirements for the next biennium.

(6) through (9) No change.

Specific Authority 456.039(3), 456.077, 460.405 FS. Law Implemented 456.035, 456.039(3), 456.072(3), 456.073 FS. History–New 1-19-92, Amended 4-26-93, Formerly 21D-16.0075, 61F2-16.0075, Amended 7-18-95, Formerly 59N-16.0075, Amended 2-11-99, 5-31-00, 10-7-02, 11-30-03, 11-1-04, 4-13-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-17.006  
RULE TITLE: Retention of Chiropractic Records; Time Limitations

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for the time limitation for the retention of chiropractic records.

SUMMARY: The Board proposed a rule amendment to address the retired status and active status licensees records retention requirements.

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

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

SPECIFIC AUTHORITY: 456.056, 460.405 FS.

LAW IMPLEMENTED: 456.057(12), 456.058 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-17.006 Retention of Chiropractic Records; Time Limitations.

(1) The chiropractor who terminates his practice, places his licenses in a retired status or the executor, administrator, personal representative, survivor or succeeding practitioner of a deceased chiropractor licensed pursuant to Chapter 460, F.S., shall retain the chiropractic records of any "patient of record" in existence upon date of termination of practice, or upon the death of the chiropractor for at least two (2) years from the date of the termination of practice, or death of the chiropractor. "Patient of record" for the purpose of this rule is a patient who has received treatment within the last two (2) years.

(2) through (3) No change.

(4) A chiropractor in active practice shall retain chiropractic records for at least four (4) years from the date of the patient's last appointment with the chiropractor.

(5) No change.

Specific Authority 456.056, 460.405 FS. Law Implemented 456.057(12), 456.058 FS. History--New 4-13-82, Formerly 21D-17.06, Amended 7-15-91, 5-19-93, Formerly 21D-17.006, 61F2-17.006, 59N-17.006, Amended 2-16-98, 6-21-00.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006

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

**DEPARTMENT OF HEALTH**

**Board of Chiropractic Medicine**

RULE NO.: 64B2-18.0075  
RULE TITLE: Direct Supervision of Registered Chiropractic Assistant

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for direct supervision of a registered chiropractic assistant.

SUMMARY: The Board proposed a rule amendment to address that a registered chiropractic assistant can be placed under the direct supervision of a certified chiropractic physician's assistant.

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: 460.405, 460.4166 FS.

LAW IMPLEMENTED: 460.4166 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: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B2-18.0075 Direct Supervision of Registered Chiropractic Assistant.

The direct supervision of a registered chiropractic assistant shall mean that the assistant will be under the direction of a chiropractor or a licensed certified chiropractic physician's assistant who is physically located on the premises at all times while a registered chiropractic assistant is performing assigned duties that involve patient care management or treatment.

Specific Authority 460.405, 460.4166 FS. Law Implemented 460.4166 FS. History--New 9-24-96, Formerly 59N-18.0075, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Chiropractic Medicine  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Chiropractic Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 21, 2006

**DEPARTMENT OF FINANCIAL SERVICES**

**Division Workers' Compensation**

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

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

SUMMARY: Form DWC-250, and its instructions, and field office addresses of the Division of Workers' Compensation's Bureau of Compliance.

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

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

SPECIFIC AUTHORITY: 440.05, 440.591 FS.

LAW IMPLEMENTED: 440.05 FS.

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

DATE AND TIME: September 12, 2006, 11:00 a.m.

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.009 Forms and Instructions.

(1) The following forms are hereby adopted for use in connection with these rules:

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

(b) DWC 250-R Revocation of Election to be Exempt, revised 2/00.

(c) DWC 251 Notice of Election of Coverage, revised 2/00.

(d) DWC 251-R revocation of Election of Coverage, revised 2/00.

(2) The forms may be obtained from any field office of the Division of Workers' Compensation, Bureau of Compliance.

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

- |  |   |
|--|---|
| 921 North Davis Street, Building B, Suite 250<br>Jacksonville, FL 32209<br>Telephone (850)798-5806           | 1111 N. E. 25th Avenue<br>Suite 403<br>Ocala, FL 34470<br>Telephone (352)401-5350   |
| 2012 Capital Circle, S. E. Suite 102, Hartman Bldg.<br>Tallahassee, FL 32399-2161<br>Telephone (850)413-1609 | 2686 Chapman Drive<br>Panama City, FL 32405-4914<br>Telephone (850)747-5425   |
| 610 East Burgess Road<br>Pensacola, FL 32504-6320<br>Telephone (850)453-7804/7850                            | 3111 South Dixie Highway<br>Suite 123<br>West Palm Beach, FL 33405<br>Telephone (561)837-5716/5412  |
| 499 N.W. 70th Avenue<br>Suite 116<br>Plantation, FL 33317<br>Telephone (954)321-2906/3143                    | <u>4415 Metro Parkway</u><br><del>42381 S. Cleveland Avenue</del><br>Suite #300, Suite 506,<br>Ft. Myers, FL 33916/07<br>Telephone (239)938-1840 278-7239 |
| 1313 Tampa Street<br>Suite 503<br>Tampa, FL 33602<br>Telephone (813)221-6506                                 | 1718 Main Street<br>Suite 201<br>Sarasota, FL 34236<br>Telephone (941)361-6042  |
| 400 West Robinson Street<br>Room 512, North Tower<br>Orlando, FL 32801<br>Telephone (407)835-4406            | 401 N.W. 2nd Avenue<br>South Tower, Suite 321<br>Miami, FL 33128<br>Telephone (305)536-0306   |

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Andrew Sabolic, Bureau Chief, Bureau of Compliance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Dan Sumner, Workers' Compensation, Assistant Director  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 6, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 30, 2006

## DEPARTMENT OF FINANCIAL SERVICES

### Division of Worker's Compensation

RULE NO.: 69L-6.012                      RULE TITLE: Notice of Election to be Exempt  
 PURPOSE AND EFFECT: The purpose and effect of the amendment to the rule is to delete provisions of the existing rule that resulted from Chapter 2003-412, Laws of Florida, that due to the passage of time are no longer applicable to the exemption process, and to revise guidelines that relate to the submission of a Notice of Election to Be Exempt to the Department, and the issuance, denial, and revocation of a Certificate of Election to be Exempt by the Department.  
 SUMMARY: Notice of Election to Be Exempt and Certificate of Election to Be Exempt issued by the Department.  
 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: 440.05(9), 440.591 FS.

LAW IMPLEMENTED: 440.02(15), 440.05 FS.

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

DATE AND TIME: Tuesday, September 12, 2006, 10:00 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Andrew Sabolic, (850)413-1600 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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

THE FULL TEXT OF THE PROPOSED RULE IS:

69L-6.012 Notice of Election to be Exempt.

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

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

(b) The Department shall deny any Notice of Election to be Exempt filed by a corporate officer of a dissolved or inactive corporation or limited liability company. A new Notice of Election to be Exempt (DWC-250), as adopted in Rule 69L-6.009, F.A.C., must be filed by the corporate officer, and if the corporate officer is engaged in the construction industry, another \$50.00 fee must be submitted with the Notice of Election to be Exempt.

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

~~applicant being a sole proprietor of a sole proprietorship engaged in the construction industry or a partner in a partnership engaged in the construction industry.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) No change.

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

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

2. In addition to the ownership requirement in paragraph (3)(f), the copy of the stock certificate(s) shall state, at a minimum, the name of the issuing corporation, the state in which the corporation is organized, the name of the person to

whom the stock is issued. All stock certificate(s) must be signed by an officer or officers designated to do so in the bylaws or designated to do so by the board of directors:

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

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

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

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

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

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

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

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

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

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

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

(d) through (e) No change.

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

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

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

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

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

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

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

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

(f) Subject to the exceptions listed in Section 440.05(5), F.S., if the department receives a new Notice of Election to be Exempt, the issue date of the Certificate of Election to be Exempt is the date the Certificate of Election to be Exempt is

approved and saved to the Coverage and Compliance Automated System database of the department, or 30 days after the date the Notice of Election to be Exempt is received by the department, whichever is earlier.

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

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

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

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

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

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

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

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

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

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

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

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

NAME OF PERSON ORIGINATING PROPOSED RULE:  
 Andrew Sabolic, Bureau Chief, Bureau of Compliance  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED  
 THE PROPOSED RULE: Dan Sumner, Workers'  
 Compensation, Assistant Director  
 DATE PROPOSED RULE APPROVED BY AGENCY  
 HEAD: June 6, 2006  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
 PUBLISHED IN FAW: June 30, 2006

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-203.210 RULE TITLE: Forms Incorporated by Reference  
 PURPOSE, EFFECT AND SUMMARY: Pursuant to Section 636.218, Florida Statutes, each discount medical plan organization ("DMPO") must file with the Office, within 3 months after the end of each fiscal year, an annual report. Such reports must be on forms prescribed by the Financial Services Commission. The purpose of the proposed amendments is to adopt the form for the Annual Report of the Discount Medical Plan Organization which includes the DMPO Annual Report Instructions.

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: 624.424(1), 636.232 FS.  
 LAW IMPLEMENTED: 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS.

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

DATE AND TIME: September 22, 2006, 10:00 a.m.  
 PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Annie Wang, Life and Health Financial Oversight, Office of Insurance Regulation, E-mail: annie.wang@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

690-203.210 Forms Incorporated by Reference.

(1) The following forms are incorporated herein by reference to implement the provisions of Chapter 636, Part II, Florida Statutes:

(a) The following forms which are hereby adopted:

FORM #	TITLE	DATE
1. OIR-C1-1606	APPLICATION FOR LICENSE DISCOUNT MEDICAL PLAN ORGANIZATION (DMPO)	<del>08/05</del> 10/14/04
2. OIR-C1-1423	BIOGRAPHICAL AFFIDAVIT	<del>1/27/05</del> 04/12/04
3. <u>OIR-A1-1671</u>	<u>ANNUAL REPORT – DISCOUNT MEDICAL PLAN ORGANIZATIONS</u>	<del>07/06</del>

(b) The following forms as adopted in Chapter 690-136, F.A.C.:

FORM #	TITLE	DATE
1. D14-144	SERVICE OF PROCESS CONSENT & AGREEMENT	01/97
2. OIR-C1-903	INVOICE-REQUEST FOR PAYMENT OF FINGERPRINT CHARGES	<u>10/05</u> <del>04/97</del>
3. OIR-C1-938	FINGERPRINT CARD INSTRUCTIONS	<u>10/05</u> <del>05/02</del>
4. OIR-C1-1298	MANAGEMENT INFORMATION FORM – COMPLETE LIST OF OFFICERS, DIRECTORS, AND SHAREHOLDERS (10% OR MORE)	<u>10/05</u> <del>04/97</del>
5. <u>OIR-C1-905</u>	<u>INSTRUCTIONS FOR FURNISHING BACKGROUND INVESTIGATIVE REPORTS</u>	<u>10/05</u>

(2) All of the above referenced forms are available and may be printed from the Office's website: [www.florid.com](http://www.florid.com).

Specific Authority 624.424(1)(c), 636.232 FS. Law Implemented 636.204, 636.220, 636.226, 636.228, 636.234, 636.236 FS. History—New 5-22-05, Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Annie Wang, Life and Health Financial Oversight, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006

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

**FINANCIAL SERVICES COMMISSION**

**Office of Insurance Regulation**

RULE NO.: 690-207.002                      RULE TITLE: Electronic Filing

PURPOSE, EFFECT AND SUMMARY: To require electronic filing of financial reports, associated filings, and related correspondence for specialty insurers regulated by Specialty Product Administration.

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

Any person who wishes to provide information regarding a 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: 624.308, 624.424, 626.89, 626.9913, 626.99175, 627.836, 634.137, 634.313(5), 634.415, 651.026 FS.

LAW IMPLEMENTED: 626.89, 626.9913, 626.99175, 627.828, 627.838, 634.137, 634.313, 634.415, 642.0301, 651.026 FS.

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

DATE AND TIME: September 19, 2006, 9:30 a.m.  
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation, E-mail: sandra.dupont@fldfs.com.

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

THE FULL TEXT OF THE PROPOSED RULE IS:

690-207.002 Electronic Filing.

Financial reports, associated filings and related correspondence for the following specialty insurers shall be submitted electronically to <https://iportal.fldfs.com>:

- (1) Legal Expense Insurance Corporations,
- (2) Insurance Administrators,
- (3) Viatical Settlement Providers,
- (4) Life Expectancy Providers,
- (5) Premium Finance Companies,
- (6) Motor Vehicle Service Agreement Companies,
- (7) Home Warranty Associations,
- (8) Service Warranty Associations,
- (9) Service Warranty Manufacturers, and
- (10) Continuing Care Retirement Providers.

Specific Authority 624.308, 624.424, 626.89, 626.9913, 626.99175, 627.836, 634.137, 634.313(5), 634.415, 651.026 FS. Law Implemented 626.89, 626.9913, 626.99175, 627.828, 627.838, 634.137, 634.313, 634.415, 642.0301, 651.026 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Sandra DuPont, Specialty Product Administration, Office of Insurance Regulation

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 25, 2006

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

**Section III**  
**Notices of Changes, Corrections and**  
**Withdrawals**

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

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-102.101                      RULE TITLE: Public Information and Inspection of Records

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing on the above referenced proposed rule, as noticed in the Florida Administrative Weekly, Vol. 32, No. 30, July 28, 2006, will be

held at 10:00 a.m. on Tuesday, September 12, 2006, at the Department of Corrections Central Office located at 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

**INTERLOCAL AGENCIES**

**Lake Apopka Natural Gas District**

RULE NO.:                   RULE TITLE:  
54C-1.001                   Tariff

**NOTICE OF CORRECTION**

A Notice of Proposed Rule regarding the above-proposed rule was published in the July 28, 2006, issue of the Florida Administrative Weekly, Vol. 32, No. 30, on page 3426. The notice was erroneous in that it did not contain a Summary section. To correct the notice, the summary of the proposed rule is as follows:

**SUMMARY:** The proposed rule will raise the rates charged by the District for labor and equipment furnished by the District, will raise the rates for all gas sold or transported by the District, will raise the deposit requirements for customers and will eliminate the Residential Air Conditioning Sales Service rate schedule.

**THE PERSON TO BE CONTACTED REGARDING THE CORRECTION IS:** George F. Crabtree, General Manager, Lake Apopka Natural Gas District, 1320 South Vineland Road (CR 535), Winter Garden, Florida 34787; Telephone (407)656-2734, Facsimile (407)656-9371.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-20.006               Educational Requirements

**NOTICE OF CORRECTION**

The above-proposed rule was published in the July 28, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 30. The reference to the date of rule approval by the agency head was erroneously given as follows: "DATE PROPOSED RULE REPEAL APPROVED BY AGENCY HEAD: August 17, 2005." The correct reference is as follows: "DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 17, 2005." The foregoing change does not affect the substance of the proposed rule.

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

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.:                   RULE TITLE:  
61G15-22.0105             Standard for Laws and Rules Course Providers

**NOTICE OF CORRECTION**

The above-proposed rule was published in the August 4, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 31. The reference to the date of rule approval by the agency head was erroneously given as follows: "DATE PROPOSED RULE REPEAL APPROVED BY AGENCY HEAD: June 14, 2006." The correct reference is as follows: "DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 14, 2006." The foregoing change does not affect the substance of the proposed rule.

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

RULE NO.:                   RULE TITLE:  
69I-21.003                   Procedure for Processing Delinquent Accounts Receivable

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 14, April 7, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**Section IV  
Emergency Rules**

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**FLORIDA HOUSING FINANCE CORPORATION**

RULE NOS.:	RULE TITLES:
67ER06-49	General
67ER06-50	Definitions
67ER06-51	Application Procedures
67ER06-52	Farmworker Housing Recovery Program (FHRP)
67ER06-53	Special Housing Assistance and Development Program (SHADP)
67ER06-54	Loan Terms
67ER06-55	Credit Underwriting and Loan Procedures
67ER06-56	Sale or Transfer of a Development
67ER06-57	Construction Disbursements and Permanent Loan Servicing

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** The hurricane seasons in 2004 and 2005 created the need for both short term and long term affordable housing needs in Florida. Among the overall housing needs are specialized needs that are not easily met by previously approved hurricane relief programs. To address these needs and to implement recommendations of the Governor’s Hurricane Housing Work Group, the following programs are established: The Farmworker Housing Recovery Program (FHRP) for the purpose of providing affordable housing options for extremely low income migrant farmworkers in Florida; and the Special Housing Assistance and Development Program (SHADP) to provide financing for acquisition, rehabilitation and new construction of developments targeted to hard-to-serve households which include, frail elders, persons with a disability and homeless people.

**REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** The Florida Housing Finance Corporation has been granted Emergency Rulemaking authority for these programs under Chapter 2006-69, L.O.F. The rule for FHRP and SHADP shall be effective immediately upon filing with the Florida Department of State.

**SUMMARY OF THE RULE:** the purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the Application process, determine loan amounts, make and service mortgage loans for the construction or Rehabilitation of affordable rental units utilizing funds authorized by Chapter 2006-69, L.O.F.

**THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS:** Robert Dearduff, Special Programs Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301 or call (850)488-4197

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

67ER06-49 General.

This rule chapter is established to administer the implementation of the Farmworker Housing Recovery Program (FHRP) and the Special Housing Assistance and Development Program (SHADP) as established in Chapter 2006-69, L.O.F.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

67ER06-50 Definitions.

(1) “Act” means the Florida Housing Finance Corporation Act as found in Chapter 420, Part V, F.S.

(2) “Affiliate” means any person that, (i) directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with the Applicant, (ii) serves as an officer or director of the Applicant or of any Affiliate of the Applicant, or (iii) is the spouse, parent, child, sibling, or relative by marriage of a person described in (i) or (ii) above.

(3) “Applicant” means any person or legally formed entity that is seeking a loan or funding from the Corporation by submitting an Application for one or more of the Corporation’s programs.

(4) “Application” means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for the Program. A completed Application shall include additional supporting documentation provided by an Applicant.

(5) “Application Deadline” means 5:00 p.m., Eastern Time, on the final day of the Application Period for the Program.

(6) “Application Period” means a period during which Applications shall be accepted as posted on the Corporation’s Website and with a deadline no less than thirty days from the beginning of the Application Period.

(7) “Board of Directors” or “Board” means the Board of Directors of the Corporation.

(8) “Calendar Days” means the seven (7) days of the week.

(9) “Catchment Area” means the geographical area covered under a Local Homeless Assistance Continuum of Care Plan, as designated and revised by the State Office on Homelessness, in accordance with Section 420.624, F.S.

(10) “Compliance Period” means a period of time that the Development shall conform to all set-aside requirements as described further in this rule chapter and agreed to by the Applicant in the Application.

(11) “Contact Person” means the person with whom the Corporation will correspond considering the Application and the Development. This person can not be a third-party consultant.

(12) “Corporation” means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

(13) “Credit Underwriter” means the independent contractor under contract with the Corporation having the responsibility for providing stated credit underwriting services.

(14) “Developer” means any individual, association, corporation, joint venturer, or partnership which possesses the requisite skill, experience, and credit worthiness to successfully produce affordable housing as required in the Application.

(15) “Development” means Project as defined in Section 420.503, F.S.

(16) “Development Cash Flow” means cash flow as calculated in the statement of cash flows prepared in accordance with generally accepted accounting principles (“GAAP”) and as adjusted for items including any distribution or payment to the Principal(s) or any Affiliate of the Principal(s) or to the Developer or any Affiliate of the Developer, whether paid directly or indirectly, which was not expressly disclosed in determining debt service coverage in the Board approved final credit underwriting report.

(17) “Development Cost” means the total of all costs incurred in the completion of a Development excluding developer fee, acquisition cost of existing developments, and total land cost as shown in the Development Cost line item on the development cost pro forma within the Application.

(18) “Draw” means the disbursement of funds to a Development.

(19) “Elderly” means Elderly as defined in Section 420.503, F.S.

(20) “ELI Household” means a household of one or more persons with an adjusted income equal to or below the percentage of area median income determined to constitute ELI for the county where the household is located per the ELI chart in the Application Instructions.

(21) “Farmworker” means Farmworker as defined in 420.503, F.S.

(22) “Frail Elders” means with respect to an older individual who is determined to be functionally impaired because the individual:

(a) is unable to perform at least two activities of daily living without substantial human assistance, including verbal reminding, physical cueing, or supervision; or

(b) due to a cognitive or other mental impairment, requires substantial supervision because the individual behaves in a manner that poses a serious health or safety hazard to the individual or to another individual.

(23) “Funding Cycle” means the period of time commencing with the opening of the Application Period pursuant to this rule chapter and concluding with the issuance of loans to Applicants who applied during the Application Period.

(24) “General Contractor” means a person or entity duly licensed in the state of Florida with the requisite skills, experience and credit worthiness to successfully provide the units required in the Application.

(25) “Homeless” means an individual or family who lacks a fixed, regular, and adequate nighttime residence or an individual or family who has a primary nighttime residence that is:

(a) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters, and transitional housing;

(b) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(c) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. For purposes of this RFP, the term homeless does not include any individual imprisoned or otherwise detained pursuant to an Act of the Congress or a State law.

(26) “Housing Assistance Payment” means the monthly assistance payment by a Public Housing Authority, which includes:

(a) A payment to the owner for rent to the owner under the family's lease; and

(b) An additional payment to the family if the total assistance payment exceeds the rent to owner.

(27) “Local Government” means Local government as defined in Section 420.503, F.S.

(28) “Local Homeless Assistance Continuum of Care Plan” means a plan for developing and implementing a framework for a comprehensive and seamless array of housing and services to address the needs of homeless persons and persons at risk for homelessness, in accordance with Section 420.624, F.S.

(29) “LURA” or “Land Use Restriction Agreement” means an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under a Corporation program.

(30) “Migrant Farmworker” means a person who travels across state or county boundaries to do agricultural work of a seasonal or other temporary nature, and who is required to be absent overnight from his or her permanent place of residence. Exceptions to this definition are immediate family members of an agricultural employer or a farm labor contractor.

(31) “Migrant Farmworker Housing” means the improvements located or to be located in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing safe, sanitary and affordable residential housing for Migrant Farmworkers.

(32) “Mortgage” means Mortgage as defined in Section 420.503, F.S.

(33) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5)(C), subsection 501(c)(3) or 501(c)(4) of the IRC and organized under Chapter 617, F.S., if a Florida Corporation, or organized under similar state law if organized in a jurisdiction other than Florida, to provide housing and other services on a not-for-profit basis, which owns at least 51% of the ownership interest in the Development held by the general partner or managing member entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing, as further described in Rule 67-48.0075, F.A.C.

(34) “Note” means a unilateral agreement containing an express and absolute promise to pay to the Corporation a principal sum of money on a specified date, which provides the interest rate and is secured by a Mortgage.

(35) “Person with a Disability” means, with respect to an individual:

(a) A physical or mental impairment that substantially limits one or more of the major life activities of such individual;

(b) A record of such an impairment; or

(c) Being regarded as having such impairment.

(36) “Principal” means an Applicant, any general partner of an Applicant, and any officer, director, or any shareholder of any Applicant or shareholder of any general partner of an Applicant.

(37) “Project” or “Property” means Project as defined in Section 420.503, F.S.

(38) “Rehabilitation” means repairs or improvements which are needed for safe or sanitary habitation, correction of substantial code violations, or the creation of additional living space.

(39) “Received” as it relates to delivery of a document by a specified deadline means, unless otherwise indicated, delivery by hand, U.S. Postal Service or other courier service, in the office of the Corporation no later than 5:00 p.m., Eastern Time, on the deadline date.

(40) “Rent-Restricted Unit” means a unit for which the gross rent does not exceed thirty percent (30%) of the applicable income limitation imputed for unit type. For purposes of the foregoing, in the case of a unit that does not have a separate bedroom the applicable income limitation for one (1) individual is used and in the case of a unit that has one or more separate bedrooms the applicable income limitation for one and one-half (1.5) individuals for each separate bedroom is used.

(41) “Scattered Sites” for a single Development means a Development consisting of more than one parcel in the same county where two or more of the parcels (i) are not contiguous to one another or are divided by a street or easement and (ii) it is readily apparent from the proximity of the sites, chain of

title, or other information available to the Corporation that the properties are part of a common or related scheme of development.

(42) “Single Family Rental” means a single family home which may be occupied by 2 or more single persons consisting of common space and for facilities for group use by the occupants of the unit. This also includes manufactured housing or modular housing built in accordance with the Code of Federal Regulations, 24 C.F.R. Part 92.251, which is hereby incorporated by reference. A copy may be obtained by contacting Florida Housing.

(43) “Sponsor” means Sponsor as defined in Section 420.503, F.S.

(44) “SRO” or “Single Room Occupancy” means housing, consisting of single room dwelling units, that is the primary residence of its occupant or occupants. An SRO does not include facilities for students. New Construction SRO units are required to contain either food preparation, sanitary facilities or both. For Rehabilitation of an existing residential structure, neither food preparation nor sanitary facilities are required to be in the unit. If the units do not contain sanitary facilities, the building must contain sanitary facilities that are shared by the tenants.

(45) “Total Development Cost” means the total of all costs incurred in the completion of a Development, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation pursuant to this rule chapter, and as further described in this rule chapter.

(46) “Voucher” means a document issued by a Public Housing Authority to a family selected for admission to the voucher program. This document describes the program and the procedures for Public Housing Authority approval of a unit selected by the family. The voucher also states obligations of the family under the program pursuant to 24CFR982.4, which is hereby incorporated by reference. A copy may be obtained by contacting Florida Housing.

(47) “Website” means the Florida Housing Finance Corporation’s website, the Universal Resource Locator (URL) for which is [www.floridahousing.org](http://www.floridahousing.org).

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

#### 67ER06-51 Application Procedures.

(1) To receive funds from the FHRP or SHADP, an Applicant shall submit a completed “Farmworker Housing Recovery and Special Housing and Development Application” (Form 67ER06App, Effective August 8, 2006) as adopted and incorporated by reference in this rule.

(2) When submitting an Application, Applicants must utilize the Application Package in effect at the Application Deadline, unless provided otherwise.

(a) The Application Package consists of the forms and instructions, obtained from the Florida Housing Finance Corporation at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or available on the Corporation's Website at [www.floridahousing.org](http://www.floridahousing.org), which shall be completed and submitted to the Corporation in accordance with this rule chapter.

(b) All Applications must be complete, legible and timely when submitted. Corporation staff shall not assist any Applicant by copying, collating, or adding documents to an Application nor shall any Applicant be permitted to use the Corporation's facilities or equipment for purposes of compiling or completing an Application.

(3) Failure to submit an Application completed in accordance with the Application instructions and these rules shall result in the failure to meet threshold, rejection of the Application, a score less than the maximum available, or a combination of these results in accordance with the instructions in the Application and this rule chapter.

(4) Each submitted Application shall be evaluated and preliminarily scored using the factors specified in the Application Package and these rules. Preliminary scores shall be transmitted to all Applicants.

(5) Applicants who wish to notify the Corporation of possible scoring errors relative to another Applicant's Application must file with the Corporation, within eight (8) Calendar Days of the date the preliminary scores are sent by overnight delivery by the Corporation, a written Notice of Possible Scoring Error (NOPSE). Each NOPSE must specify the assigned Application number and the scores in question, as well as describe the alleged deficiencies in detail. Each NOPSE is limited to the review of only one Application's score. Any NOPSE that seeks the review of more than one Application's score will be considered improperly filed and ineligible for review. There is no limit to the number of NOPSEs that can be submitted. The Corporation's staff will review each written NOPSE Received timely.

(6) The Corporation shall transmit to each Applicant the NOPSEs submitted by other Applicants with regard to its Application. The notice shall also include the Corporation's decision regarding the NOPSE, along with any other items identified by the Corporation to be addressed by the Applicant.

(7) Within 11 Calendar Days of the date the notice set forth in subsection (6) above is sent by overnight delivery by the Corporation, each Applicant shall be allowed to cure its Application by submitting additional documentation, revised pages and such other information as the Applicant deems appropriate to address the issues raised pursuant to subsections (4) and (6) above that could result in rejection of the Application or a score less than the maximum available. Pages of the Application that are not revised or otherwise changed shall not be resubmitted, except that documents executed by third parties must be submitted in their entirety, including all

attachments and exhibits referenced therein, even if only a portion of the original document was revised. Where revised or additional information submitted by the Applicant creates an inconsistency with another item in that Application, the Applicant shall also be required in its submittal to make such other changes as necessary to keep the Application consistent as revised. The Applicant shall submit an original and three copies of all additional documentation and revisions. Only revisions, changes and other information Received by the deadline set forth herein will be considered. Any subsequent revision submitted prior to the deadline shall include a written request from the Applicant for withdrawal of any previously submitted revision(s).

(8) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (7) above, all Applicants shall submit to the Corporation a Notice of Alleged Deficiencies (NOAD) in any other Application. Each NOAD is limited only to issues created by document revisions, additions, or both, by the Applicant submitting the Application pursuant to subsection (7) above. Each NOAD must specify the assigned Application number, the pages and the documents in question, as well as describe the alleged deficiencies in detail. Each NOAD is limited to the review of only one Applicant's submission. However, there is no limit to the number of NOADs which may be submitted. NOADs which seek the review of more than one Applicant's submission will be considered improperly filed and ineligible for review. The Corporation will only review written NOADs that are timely Received.

(9) The Corporation shall transmit a copy of all NOADs to the affected Applicant.

(10) Following the receipt and review by the Corporation of the documentation described in subsections (6), (7) and (8) above; the Corporation shall then prepare final scores. In determining such final scores, no Application shall be rejected or receive a point reduction as a result of any issues not previously identified in the notices described in subsections (4), (5) and (6) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (7) and (8) above will still be justification for rejection or reduction of points, as appropriate. Notwithstanding the foregoing, any deficiencies in the mandatory elements set forth in subsection (15) below can be identified at any time prior to sending the final scores to Applicants and will result in rejection of the Application. The Corporation shall then transmit final scores to all Applicants.

(11) The availability of any remaining funds shall be noticed or offered to a Development as described in the Ranking and Selection Criteria section of the Application instructions.

(12) Applications shall be limited to one submission per subject property. Two or more Applications with the same Financial Beneficiary for Developments that are contiguous

with the property of another Application, or that are divided by a street or easement, or if it is readily apparent from the two Applications, proximity, chain of title, or other information available to the Corporation that the properties are part of a common or related scheme of development, will be considered to be submissions for the same Development site and the Corporation will reject all such Applications except the Application with the highest (worst) lottery number. The Application with the lowest lottery number will still be rejected even if the Applicant withdraws the Application with the highest (worst) lottery number.

(13) If the Board determines that any Applicant or any Affiliate of an Applicant:

(a) Has engaged in fraudulent actions;

(b) Has materially misrepresented information to the Corporation regarding any past or present Application or Development;

(c) Has been convicted of fraud, theft or misappropriation of funds;

(d) Has been excluded from federal or Florida procurement programs; or

(e) Has been convicted of a felony;

And that such action substantially increases the likelihood that the Applicant will not be able to produce quality affordable housing, the Applicant and any of the Applicant's Affiliates will be ineligible for funding or allocation in any program administered by the Corporation for a period of up to two years, which will begin from the date the Board makes such determination. Such determination shall be either pursuant to a proceeding conducted pursuant to Sections 120.569 and 120.57, F.S., or as a result of a finding by a court of competent jurisdiction.

(14) The Corporation shall reject an Application if, following the submission of the additional documentation, revised pages and other information as the Applicant deems appropriate as described in subsection (7) above:

(a) The Development is inconsistent with the purposes of the Programs applied for or does not conform to the Application requirements specified in this rule chapter;

(b) The Applicant fails to achieve the threshold requirements as detailed in these rules, the applicable Application, and Application instructions;

(c) The Applicant fails to file all applicable Application pages and exhibits which are provided by the Corporation and adopted under this rule chapter or as provided for in the Application instructions;

(d) An Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer is in arrears for any financial obligation it has to the Corporation or any agent or assignee of the Corporation. This paragraph does not include permissible deferral of interest.

(15) Notwithstanding any other provision of these rules, there are certain items that must be included in the Application and cannot be revised, corrected or supplemented after the Application Deadline. Failure to submit these items in the Application at the time of the Application Deadline shall result in rejection of the Application without opportunity to submit additional information. Any attempted changes to these items will not be accepted. Those items are as follows:

(a) Name of Applicant;

(b) Identity of each Developer, including all co-Developers;

(c) Site for the Development;

(d) Development Category;

(e) Development Type;

(f) Demographic Commitment;

(g) County;

(h) Total number of units;

(i) Loan Request Amount

(j) Submission of one original hard copy with the required number of photocopies of the Application by the Application Deadline;

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History—New 8-7-06.

67ER06-52 Farmworker Housing Recovery Program (FHRP).

(1) The program shall prioritize housing solutions for Migrant Farmworkers.

(2) The funds shall be utilized for the construction, rehabilitation or acquisition/rehabilitation of affordable, safe and sanitary rental housing units.

(3) Occupancy shall be limited to two beds per bedroom.

(4) Developments under the FHRP program shall commit to set aside 100% of the units or beds for Farmworkers. Developments which set aside at least 60% of the units or beds for Migrant Farmworkers, for a minimum of 20 years, shall receive priority over developments that commit to set aside a lesser number of units for Migrant Farmworkers.

(5) Developments under the FHRP program shall commit to set aside a minimum of 25% of the units or beds for ELI Households for a minimum of 20 years.

(6) Developments under the FHRP program shall commit to set-aside 100% of units or beds to households earning 60% or less of the area median income.

(7) Developments under the FHRP program shall be limited to a maximum of 50 units.

(8) Developments under the FHRP program shall provide the minimum unit features as described in the Application and instructions for FHRP.

(9) Eligible occupancy shall be limited to unaccompanied Farmworkers or Farmworkers and their families, providing the eligible tenant earns not less than 51 percent of their annual income from agricultural employment or must have bona fide local agricultural employment at time of leasing. For compliance purposes, eligibility shall not be based on income.

(10) For Migrant Farmworkers unaccompanied by their families, rents may be based on beds. Rents shall be based on daily, weekly, or monthly rates and payment schedules. The rent level shall reflect the rent for an efficiency unit at a percent of area median income that shall vary from county to county, based on the median income of that county, so that a relatively constant income level is served from county to county.

(11) For Non-Profit organizations committing to own and operate Developments with at least 25% of the units targeted to ELI households, and in which all or part of land and infrastructure costs are paid for or donated by entities such as farmers and local governments, loans for the full cost of the units, not to exceed the \$3,000,000 limit, shall be allowed. In these cases, the loan shall be set at 0 percent interest and the principal shall be forgivable at a rate of 10 percent per year if the units stay targeted to ELI Households for at least 20 years.

(12) Funding for Farmworker Developments shall be targeted to counties in tiers I and II as determined by the Corporation before counties in tier III or Tier IV; and Developments shall be located in agricultural areas where Farmworkers are known to live and that are proximate to essential services.

(13) If funds remain unencumbered in this program after two years, or if funds are returned to the Corporation after that time, they shall be utilized to fund developments in this program or in the Special Housing Assistance and Development Program or as the Board deems appropriate.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

67ER06-53 Special Housing Assistance and Development Program (SHADP).

(1) The program shall prioritize housing solutions for Frail Elders, Persons with a Disability, and Homeless people.

(2) The funds shall be utilized for the construction, rehabilitation or acquisition/rehabilitation of affordable, safe and sanitary permanent rental housing units.

(3) Occupancy shall be limited to two beds per bedroom.

(4) Applicants shall commit to set aside units according to the selected demographic group. The set-aside requirements are:

(a) a minimum of 80% of the units in developments housing Elderly persons of which 50% shall be for Frail Elders; or

(b) a minimum of 50% of the units in developments for Homeless people; or

(c) a minimum of 50% of the units in developments for Persons With a Disability.

(5) Applicants under the SHADP shall commit to set-aside a minimum of 25% of the units or beds for ELI households for a minimum of 20 years.

(6) Applicants shall commit to set-aside 100% of units or beds to households earning 60% or less of the area median income.

(7) Applicants shall be limited to a maximum of 50 units or beds.

(8) Up to 10 percent of the funding for each development may be used for the construction of ancillary facilities to be used for community services that are also to be used by the population being targeted in the development.

(9) Funding for Developments housing Frail Elders, Persons with a Disability, or Homeless populations shall be targeted to counties in tiers I and II as determined by the Corporation before counties in tier III or tier IV.

(10) For Non-Profit organizations committing to own and operate Developments with at least 25% of the units targeted to ELI households, and in which all or part of land and infrastructure costs are paid for or donated by entities such as public housing authorities and local governments, loans for the full cost of the units shall be allowed. In these cases, the loan shall be set at 0 percent interest and the principal shall be forgivable at a rate of 10 percent per year if the units stay targeted to ELI Households for at least 20 years.

(11) If funds remain unencumbered in this program after two years, or if funds are returned to the Corporation after that time, they shall be utilized to fund developments in this program or in the Farmworker Housing Recovery Program or as the Board deems appropriate.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

67ER06-54 Loan Terms.

(1) The loans shall be in a first, second, or other subordinated lien position as approved by the Board.

(2) The loan shall be limited to the lesser of \$3,000,000 or 75% of the Total Development Cost, except as provided herein.

(3) The base loan shall be non-amortizing and shall have interest rates as follows:

(a) For properties financed through FHRP or SHADP, a zero percent simple interest for Non-Profit Developers and public housing authorities. The loan shall be forgivable over a period of 10 years provided the Developer commits to maintain set-aside units at the level committed to in the Application for a period of 20 years.

(b) For properties financed through the FHRP or SHADP by Developers and owners other than Non-Profits, the interest rate shall be one percent, paid annually, with loan repayment due on sale or after 20 years, whichever is earlier.

(4) The Corporation's servicer shall issue a billing for interest due, when applicable, on the loan for the immediately preceding calendar year by January 31 of each calendar year of the loan. The Applicant shall remit the interest due to the Corporation's servicer no later than March 31 of each year of the loan term. The first payment of interest will be due no later than March 31 following the calendar year within which the first unit is occupied. The first payment of interest shall include all interest for the period which begins accruing on the date of the first Draw and ends on December 31 of the calendar year during which the first unit is occupied.

(5) After maturity or acceleration, the Note shall bear interest at the default interest rate, pursuant to the loan documents, from the due date until paid.

(6) Any sale, conveyance, assignment, or other transfer of interest or the grant of a security interest in all or any part of the title to the Development shall be subject to the Corporation's prior written approval.

(7) The loans shall be serviced either directly by the Corporation or by the servicer on behalf of the Corporation.

(8) The Corporation shall monitor compliance of all terms and conditions of the loans and shall require that certain terms and conditions be embodied in the Land Use Restriction Agreement and recorded in the public records of the county wherein the Development is located. Violation of any term or condition of the documents evidencing or securing the loans shall constitute a default during the term of the loan. The Corporation shall take legal action to effect compliance if a violation of any term or condition relative to the set-asides committed to by the Applicant is discovered during the course of compliance monitoring or by any other means.

(9) The Corporation shall require adequate insurance to be maintained on the Development as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other insurance sufficient to meet the standards established in Part V, Section 106 of the Fannie Mae DUS Guide, effective November 3, 2003, which is adopted and incorporated herein by reference and available on the Corporation's Website at [www.floridahousing.org](http://www.floridahousing.org).

(10) Upon maturity of the loan, the Corporation may renegotiate and extend the loan in order to extend the availability of housing for the target population. Such extensions shall be based upon:

(a) Performance of the Applicant during the loan term;

(b) Availability of similar housing stock for the target population in the area;

(c) Documentation and certification by the Applicant that funds are not available to repay the Note upon maturity;

(d) A plan for the repayment of the loan at the new maturity date; and

(e) Assurance that the security interest of the Corporation will not be jeopardized by the extension.

(11) After accepting a preliminary commitment, the Applicant shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant shall reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation must be notified of any such change. The Board shall deny requests for mortgage loan refinancing which require extension of the loan term or otherwise adversely affects the security interest of the Corporation.

(12) All loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, which is adopted and incorporated herein by reference and available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_05/24cfr100\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/24cfr100_05.html), and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which is adopted and incorporated herein by reference and available at [http://www.access.gpo.gov/nara/cfr/waisidx\\_04/28cfr35\\_04.html](http://www.access.gpo.gov/nara/cfr/waisidx_04/28cfr35_04.html). The Corporation shall allow units dedicated to occupancy by the Frail Elders in a Development designed for occupancy by frail elders' households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(13) All set-aside units shall be Rent-Restricted Units.

(14) Units or beds set-aside for ELI households shall not be occupied by a household that holds a tenant based Voucher and receives Housing Assistance Payments from a public housing authority or another tenant based rental-assistance program. This shall not include one-time assistance with security deposit, rent, or utilities.

(15) The documents creating, evidencing or securing each loan must provide that any violation of the terms and conditions described in this rule chapter constitutes a default under the loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(16) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the loan, unless otherwise approved by the Board.

(17) The proceeds of the loan shall be expended within two years of the date of the firm commitment letter unless such date is extended by the Board.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History-New 8-7-06.

67ER05-55 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant, the real estate, the economics of the Development, the ability of the Applicant and the

Development team to proceed, the evidence of need for affordable housing in order to determine that the Development meets the program requirements and determine a recommended loan amount, if any. As part of the credit underwriting review, the Credit Underwriter will consider the applicable provisions of this rule chapter.

(1) No funding will be awarded until the conclusion of all litigation and appeal proceedings conducted pursuant to Sections 120.569, 120.57, and 120.68, F.S. At the conclusion of such litigation and appeal proceedings, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Development. The invitation to enter credit underwriting constitutes a preliminary commitment.

(2) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter not later than 7 Calendar Days after the date of the letter of invitation.

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 7 Calendar Days of the date of the letter of invitation. The credit underwriting fee is an eligible expense in the loan amount.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation and issuance of an invitation to the next eligible Applicant as outlined in the Application instructions.

(3) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, and General Contractor.

(4) The Credit Underwriter shall report any inconsistencies or discrepancies or changes made to the Applicant's Application during credit underwriting.

(5) The Applicant will be responsible for all fees in connection with the documentation submitted to the Credit Underwriter.

(6) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(7) A full or self-contained appraisal as defined by the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed property's financial feasibility. Appraisals which have been ordered and submitted by the first mortgagee and which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a

disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall consider the market study, the Development's financial impact on Developments in the area previously funded by the Corporation, and other documentation when making its recommendation of whether to approve or disapprove a loan. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(8) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work, or both, if all parties agree, and shall order, at the Applicant's sole expense, a pre-construction analysis for all new construction or a physical needs assessment for Rehabilitation and a review of the Development's costs.

(9) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum replacement reserve amount of \$200 per unit must be used for all Developments. However, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50% of the required replacement reserves for 2 years and must be placed in escrow at closing.

(10) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For credit enhancers, audited financial statements for their most recent fiscal year ended, if published; otherwise the previous year's audited statements will be provided until the current statements are published or credit underwriting is complete. The audited statements may be waived if the credit enhancer is rated at least "A-" by Moody's, Standard and Poor's or Fitch.

(b) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is incorporated by reference and available on the Corporation's Website at [www.floridahousing.org](http://www.floridahousing.org), and the two most recent year's tax

returns. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(c) For the General Contractor, audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.

(11) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor;

(b) Developer and General Contractor's history in successfully completing Developments of similar nature;

(c) Problems encountered previously with Developer or contractor; and

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed. However, a completion guarantee will not be required if funds are not drawn until evidence of lien free completion is provided.

(12) The Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 16% of Development Cost. A Developer fee on the building acquisition cost shall be limited to 4% of the cost of the building exclusive of land; and

(b) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost;

(13) In order for the General Contractor to be eligible for the maximum fee stated above, it must meet the following conditions:

(a) A Development superintendent must be employed by the General Contractor and the costs of that employment must be charged to the general requirements line item of the General Contractor's budget;

(b) Development construction trailer and other overhead must be paid directly by the General Contractor and charged to general requirements;

(c) Building permits must be issued in the name of the General Contractor;

(d) Payment and performance bond (or approved alternate security for General Contractor's performance, such as a letter of credit) must be issued in the name of the General Contractor by a company rated at least "A-" by AMBest & Co.;

(e) None of the General Contractor duties to manage and control the construction of the Development may be subcontracted; and

(f) Not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Development.

(14) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of 6 consecutive months for the combined loan and superior mortgages.

(15) Contingency reserves which total no more than 5% of hard and soft costs for new construction and no more than 15% of hard and soft costs for Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes.

(16) The Credit Underwriter will review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Development.

(17) All items required by the Credit Underwriter must be provided to the Credit Underwriter within 35 Calendar Days of notification from the Credit Underwriter. The Applicant will have an additional 25 Calendar Days to submit the appraisal, survey and final plans to the Credit Underwriter. Unless an extension is approved by the Corporation, failure to submit the required credit underwriting information by the specified deadlines shall result in withdrawal of the preliminary commitment and the funds will be made available as outlined in the Application instructions.

(18) If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless a written extension of time has been approved by the Corporation, shall result in rejection of the Application. If the Application is rejected, the Corporation will make the funds available as outlined in the Application instructions.

(19) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the section of the written draft report consisting of supporting information and schedules. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter within 48 hours of receipt. After the 48 hour period, the Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter

shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be received by the Corporation and the Credit Underwriter within 72 hours of receipt of the revised report. Then, the Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(20) The Credit Underwriter's recommendations will be sent to the Board for approval.

(21) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm loan commitment.

(22) Other mortgage loans related to the Development and the loan must close within 60 Calendar Days of the date of the firm loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and shall detail the time frame to close the loan. The written request will then be submitted to the Corporation's Board for consideration.

(23) At least 5 Calendar Days prior to the loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from superior or subordinate mortgagees to the Corporation and its counsel; and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History—New 8-7-06.

67ER06-56 Sale or Transfer of a Development.

(1) The loans shall be assumable upon sale or transfer of the Development if the following conditions are met:

(a) The proposed transferee meets all specific Applicant identity criteria which were required as conditions of the original loan;

(b) The proposed transferee agrees to maintain all set-asides and other requirements of the loans for the period originally specified or longer; and

(c) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board of Directors of the Corporation. In order for a Development to satisfy paragraphs (1)(a) and (b) above, the loan shall not be considered satisfied until the Corporation has received:

1. An appraisal prepared by an appraiser selected by the Corporation or the Credit Underwriter indicating that the purchase price for the Development is reasonable and consistent with existing market conditions;

2. A certification from the Applicant that the purchase price reported is the actual price paid for the Development and that no other consideration passed between the parties and that the Development Cash Flow reported to the Corporation during the term of the loan was true and accurate;

3. A certification from the Applicant that there are no Development funds available to repay the loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for loan interest. Such certification shall require submission of financial statements and other documents that shall be required by the Corporation and its servicer.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History—New 8-7-06.

67ER05-57 Construction Disbursements and Permanent Loan Servicing.

(1) Loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the loan to the Total Development Cost, unless approved by the Credit Underwriter.

(2) Ten business days prior to each draw, the Applicant shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Applicant for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation will disburse construction Draws through Automated Clearing House (ACH). The Applicant shall request disbursement of construction Draws via a wire transfer. The Applicant will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Applicant in connection with the request for a Draw, if:

(a) The Corporation or the Corporation’s servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) All of the following fees are part of Development Cost and can be included in the Development Cost pro forma and paid with FHRP or SHADP loan proceeds: credit underwriting, compliance monitoring, financial monitoring, and construction inspection.

The effective date of this rule is August 7, 2006.

Specific Authority Chapter 2006-69, L.O.F. Law Implemented Chapter 2006-69, L.O.F. History–New 8-7-06.

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

EFFECTIVE DATE: August 7, 2006

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 30, 2006, the Department of State filed the City of North Miami’s initial Petition for Waiver or Variance of Section IX(H) of the Public Library Construction Grant Guidelines. These Guidelines are incorporated by reference into Rule 1B-2.011, F.A.C., and give a recipient of a Public Library Construction Grant, 540 days from the date of the grant award to place the construction project under contract, unless the recipient is involved in litigation. Notice of the City’s petition was published in the April 28, 2006 issue of the Florida Administrative Weekly. On August 8, the Department of State entered its order disposing of the City of North Miami’s amended petition by granting the requested variance, and extending the deadline for the City to enter into a construction contract until June 30, 2008. The general basis for the Department of State’s decision is: 1) the City was delayed, in part, by hurricane damage in 2005; and 2) in part by its decision to include its new library as part of a City/County public complex, which maximizes the use of public funds and library services. The City would forfeit a \$500,000 library construction grant for its new library if the Department of State strictly applied the subject rule to the petitioner, which would violate principles of fairness.

A copy of the petition and the order of disposition may be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

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

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

### PUBLIC SERVICE COMMISSION

NOTICE IS HEREBY GIVEN that the Florida Public Service Commission has received a petition from Mariposa Utility Company, LLC, in Docket No. 060276-WS, seeking a temporary waiver of paragraphs 25-30.033(1)(j), (k), (m), (r), (t), (u), (v), and (w), Florida Administrative Code. The petition requests that these portions of the rule, which address information required for setting initial rates in original water and wastewater certificate proceedings, be waived temporarily to permit bifurcation of the certification proceeding into an initial certification portion, followed at a later date by the rate setting portion of the proceeding. Comments on the petition should be filed with the Commission’s Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within 14 days of publication of this notice.

A copy of the petition may be obtained at <http://www.psc.state.fl.us/dockets/cms/>, or by writing to the above address. For additional information, please contact Katherine Fleming, Office of the General Counsel, at the above address or telephone (850)413-6218.

### WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on July 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2006-51), to Calvary Chapel of Melbourne. The Petition for Variance was received by SJRWMD on April 13, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No. 23 on June 9, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the

Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

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The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on July 12, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR# 2005-138), to KB Home Treasure Coast, LLC (Petitioner). The Petition for Variance was received by SJRWMD on December 8, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 31, No. 51 on December 23, 2005. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1. of the Florida Administrative Code and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board's decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner's financial contribution to the C-1 Rediversion Project or an Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project's implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, or telephone (386)329-4488.

NOTICE IS HEREBY GIVEN that on August 3, 2006, South Florida Water Management District (District) received a petition for waiver from Palm Beach County Water Utilities Department, Application No. 06-0627-1, for utilization of Works or Lands of the District known as the C-18 Canal, Palm Beach County for the proposed installation of water and wastewater transmission pipelines within the C-18 right of way; Sections 28, 32 & 33, Township 43 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the installation of water and wastewater transmission lines within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at 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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NOTICE IS HEREBY GIVEN that on August 3, 2006 South Florida Water Management District (District) received a petition for waiver from Palm Beach County Water Utilities Department Application No. 06-0627-1, for utilization of Works or Lands of the District known as the C-18W Canal, Palm Beach County for proposed buried water and wastewater transmission pipelines within the northwesterly right of way of C-18W, Sections 28, 32 & 33, Township 43 South, Range 42 East. The petition seeks relief from paragraph 40E-6.221(2)(j), Fla. Admin. Code, which prohibits the placement of transmission lines within Works or Lands of the District.

A copy of the petition may be obtained from Kathie Ruff at (561)682-6320 or e-mail at 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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NOTICE IS HEREBY GIVEN that on August 4, 2006, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from Mark Youmans, Jerner & Associates, Inc., on behalf of Catherine Zippay, Application No. 06-0605-1, for utilization of Works or Lands of the District known as the L-47 Canal, Section 8, Township 39S, Range 37E, Martin County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 32, No. 29, on July 21, 2006. No public comment was received. Ninety-day deadline for action on Right of Way Permit Application continues to be waived.

A copy of the withdrawal request may be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or e-mail at kruff@sfwmd.gov.

NOTICE IS HEREBY GIVEN that on August 2, 2006, South Florida Water Management District (District) received request for Withdrawal of Petition for Waiver from Richard F. Rendina, Managing Partner, Dixie Mews, LLC, Application No. 06-0623-2, for utilization of Works or Lands of the District known as the C-51 Canal, Section 16, Township 44S, Range 43E, Palm Beach County. Notice of receipt of petition requesting waiver was published in the Florida Administrative Weekly, Vol. 32, No. 28, on July 14, 2006. No public comment was received.

A copy of the withdrawal request may be obtained from: Kathie Ruff, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, (561)682-6320 or e-mail at kruff@sfwmd.gov.

#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on August 1, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code from Cruz Catering Corporation located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from:  
Xenia Bailey

Division of Hotels and Restaurants  
1940 North Monroe Street,  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on July 20, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Roly Poly Sandwiches located in Fort Myers. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of fourteen (14).

A copy of the Petition can be obtained from:

Xenia Bailey  
Division of Hotels and Restaurants  
1940 North Monroe Street,  
Tallahassee, Florida 32399-1013

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Construction Industry Licensing Board hereby gives notice that it has received a Petition for Waiver or Variance, which was filed on July 17, 2006, by James M. Power (Petitioner). Petitioner is seeking a waiver or variance of subsection 61G4-18.001(9), Florida Administrative Code, with regards to the continuing education requirements while the licensee is in inactive status. Comments on this petition should be filed with: Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750, within 14 days of publication of this Notice.

The Board will consider the Petition at its meeting, to be held on September 13, 2006, in Tampa, Florida.

For a copy of the Petition, contact: G.W. Harrell, Executive Director, Construction Industry Licensing Board, at the above address.

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

#### **DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT ON August 2, 2006, the Department of Health, filed an Order disposing of a Petition for Variance from the requirements of paragraph 64E-15.002(2)(b), F.A.C., as filed by Thomas B. Hart, Esquire, Attorney for Petitioner, Islanders' landing, Inc. The petition was filed with the Department on February 8, 2006 and noticed in the Florida Administrative Weekly on February 24, 2006, in Vol. 32, No. 8. The Department requested additional information from the Petitioner on February 27, 2006 and the information was received on May 5, 2006. Subsection 64E-15.002(2)(b), F.A.C., relates to minimum lot size and minimum lot width for double wide mobile homes. The Department determined that Petitioner did not put forth any reason showing how the granting of the variance would serve the underlying purposes of the statute nor did Petitioner put

forth any facts that would demonstrate a substantial hardship or a violation of the principles of fairness. Therefore, the Petition for a permanent Variance was DENIED.

A copy of the Order may be obtained from: Agency Clerk, Department of Health, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, (850) 245-4005.

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NOTICE IS HEREBY GIVEN that on July 24, 2006, the Department of Health received a petition from Michael Gauthier requesting a variance pursuant to Section 120.542, Florida Statutes. Specifically, the petitioner seeks a variance from subsections 64E-6.013(2), (6), (7) and (8), Florida Administrative Code, which requires grease interceptors to be made of fiberglass, concrete or polyethylene; have compartments no larger than 1250 gallons; and be interconnection by 4-inch diameter hole.

Comments on this petition should be filed with: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

A copy of the petition may be obtained from: Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1734.

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**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN that on August 7, 2006 Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.007, Florida Administrative Code, and subsection 67-48.002(116), F.A.C. (2002) 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. (2002), and subsection 67-48.002(116), F.A.C. (2002).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of subsections 67-48.002(30), 67-48.002(32), 67-48.010(5) and 67-48.0072(10) (2005), Florida Administrative Code, from Royalton Apartments, Ltd. ("Petition"). The Petition is seeking a waiver or variance to allow for the deposit of all Development Cash Flow into a reserve account and a waiver of minimum combined debt service coverage "DSC" requirements.

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 August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of subsections 67-48.002(33), 67-48.002(35), 67-48.010(5) and 67-48.012(2)(g) (2004), Florida Administrative Code, from Royalton Apartments, Ltd. ("Petition"). The Petition is seeking a waiver or variance to allow for the deposit of all Development Cash Flow into a reserve account and a waiver of minimum combined debt service coverage "DSC" requirements.

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 August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.007 (2002), Florida Administrative Code, and Rule 67-48.002(116) (2002) from Pelican Cove RRH, Ltd. ("Petition"). The Petition is seeking a waiver of certain compliance monitoring fees imposed by Rule 67-48.007, FAC, and to subsection 67-48.002(116), FAC.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

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NOTICE IS HEREBY GIVEN that on August 8, 2006 Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(m), Florida Administrative Code, from Pollywog Creek, LLC ("Petition"). The Petition is

seeking a waiver from paragraph 67-48.004(14)(m), Florida Administrative Code, which prohibits an applicant from changing its funding request.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

## Section VI

### Notices of Meetings, Workshops and Public Hearings

#### DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, and Florida Arts Council, announce public meetings to which all persons are invited:

DATE AND TIME: September 13, 2006, 8:30 a.m.

PLACE: Crowne Plaza Hotel Melbourne, 2605 North A1A Highway, Melbourne, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Arts Council Meeting. To conduct general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' website at [www.Florida-Arts.org](http://www.Florida-Arts.org); or by contacting: Dianne Alborn, Executive Assistant, at 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250; (850)245-6473; or by email at [dalborn@dos.state.fl.us](mailto:dalborn@dos.state.fl.us). Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings. Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 8th day of September 2006, if you need an accommodation. Accommodations can be arranged through Morgan Lewis,

ADA Coordinator for the Division of Cultural Affairs, at (850)245-6356, by fax at (850)245-6497, or by email at [mblewis@dos.state.fl.us](mailto:mblewis@dos.state.fl.us).

#### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** will meet:  
DATE AND TIME: Friday, September 8, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Buena Vista Palace, Lake Buena Vista, Florida

Members of the public are welcome. For more information, please contact Anne Vuxton at (850)410-0935.

The **Department of Agriculture and Consumer Services** announces a public meeting to which all persons are invited.

DATES AND TIME: September 19, 2006, 9:00 a.m. – 12:00 Noon; October 18, 2006, 9:00 a.m. – 12:00 Noon

PLACE: The September 19, 2006 meeting will be held at the Mid Florida Research & Education Center, 2725 Binion Road, Apopka, FL. Tel: (407)884-2034. Directions can be obtained from (<http://www.mrec.ifas.ufl.edu/>); The October 18, 2006 meeting will be held at the Conner Building Training Room, basement of 3125 Conner Blvd., Tallahassee, FL 32399-1650. tel: (850)488-7447.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible changes to Chapter 482, F.S., the Florida Structural Pest Control Act.

A copy of the agenda may be obtained by contacting: Steven Dwinell, Department of Agriculture and Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Tel: (850)488-7447.

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.

For more information, you may contact: Steven Dwinell, Department of Agriculture & Consumer Services, 3125 Conner Blvd., Tallahassee, FL 32399-1650, Tel: (850)488-7447.

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel and an Administrator Hearing Panel; all persons are invited.

DATES AND TIMES: An Administrator Hearing Panel, August 24, 2006, 9:00 a.m.; A Teacher Hearing Panel will follow immediately after the Administrator Panel; A Teacher Hearing Panel, August 25, 2006, 9:00 a.m.

PLACE: Homewood Suites, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the

disciplining of certified educators. If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based. Additional information may be obtained by writing to: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

**SPECIAL ACCOMMODATION:** Any person requiring a special impairment accommodation should contact Kathleen M. Richards at (850)245-0455 at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

The Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

**DATE AND TIME:** August 29, 2006, 9:00 a.m. until completion

**PLACE:** 325 W. Gaines Street, Conference Room 1721/25, Tallahassee, Florida 32399

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Charter School Appeal Commission hearing on the non renewal of Spiral Tech Elementary vs. Miami Dade County School Board. The Charter School Appeal Commission will also be discussing perceptions and roles of the Appeals Commission.

**Special Accommodations:** Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399 or by phone at (850)245-0502.

#### **DEPARTMENT OF LAW ENFORCEMENT**

The **Criminal Justice Professionalism Program** announces a public meeting for a Probable Cause Determination to which all persons are invited to attend.

**DATE AND TIME:** September 12, 2006, 10:00 a.m. – Open

**PLACE:** Broward Community College, Criminal Justice Institute, 3501 S.W. Davie Road, Ft. Lauderdale, Florida 33314

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To determine if probable cause exists to proceed with possible disciplinary action.

A copy of the Probable Cause Case Agenda can be obtained by calling: Brenda Presnell, Florida Department of Law Enforcement, Criminal Justice Professionalism Program, Bureau of Standards, Professional Compliance Section, P. O. Box 1489, Tallahassee, Florida 32302, (850)410-8648.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Donna Hunt at (850)410-8615, at least 2 weeks prior to the meeting.

#### **DEPARTMENT OF TRANSPORTATION**

The Bay Area Legislative Delegation and co-hosts Tampa Bay Partnership and the Florida **Department of Transportation**, announces a Multimodal Regional Transportation Forum to gain input on a regional transportation approach and solutions for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Polk, Manatee and Sarasota Counties.

**DATE AND TIME:** August 28, 2006, 8:00 a.m. – 12:30 p.m.

**PLACE:** Crowne Plaza Hotel, 10221 Princess Palm Avenue, Grand Ball Room, Tampa, FL 33610

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Bay Area Legislative Delegation is seeking a regional approach in solving transportation issues and to gain community commitment and unity in solving the regions congestion.

For more information about the Forum, contact: Kathleen Galea, (941)708-4968, e-mail: kathleen.galea@myflorida.gov. Persons with disabilities who may require special accommodations should contact Kathleen Galea at (941)708-4968 no later than one week prior to the meeting. Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status.

The **Florida Transportation Commission** announces a public meeting to which all persons are invited:

**DATE AND TIME:** September 7, 2006, 8:00 a.m. – 12:00 noon.

**PLACE:** Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Meeting of the Florida Transportation Commission.

Information may be obtained by contacting: Florida Transportation Commission, Room 176, M.S. 9, 605 Suwannee Street, Tallahassee, Florida 32399-0450 (Phone (850)414-4105).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings are asked to advise the Commission at least 48 hours before the meetings by contacting Cathy Goodman at (850)414-4105.

The **Florida Ports Financing Commission** announces a teleconference in which all interested persons are invited to participate

**DATE AND TIME:** September 6, 2006, 10:00 a.m. – Noon

**TOLL FREE CALL IN NUMBER:** (877)540-9892

**PARTICIPANT CODE:** 833035

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that 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.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise Toy Keller, (850)222-8028.

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

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

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#### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

UNDOCKETED MATTER: Review of Ten-Year Site Plans of Electric Utilities.

DATE AND TIME: Thursday, September 7, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to afford an opportunity for discussion and public comment on the ten-year site plans submitted by Florida's electric utilities.

A copy of the agenda for this workshop may be obtained by writing to the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. Any person with questions concerning this workshop should contact Michael Haff at (850)413-6684.

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

#### **EXECUTIVE OFFICE OF THE GOVERNOR**

The **Governor's Property and Casualty Insurance Reform Committee** announces the following public meetings to which all interested persons are invited.

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

PLACE: Orange County Convention Center, South Concourse, Room 320, 9899 International Drive, Orlando, FL

DATE AND TIME: September 7, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Room 212, Knott Building, The Capitol, 400 S. Monroe Street, Tallahassee, FL.

DATE AND TIME: September 21, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Florida International University, Graham Center, Ballroom, 11200 S.W. 8th Street, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee business

Copies of the agenda for each meeting will be available several days prior to the meeting at [www.myflorida.com](http://www.myflorida.com) under the Property and Casualty Insurance Reform Committee tab.

For additional information please contact Leslie Jacobs, Office of Lt. Governor Toni Jennings, at (850)488-4711.

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The **Gubernatorial Fellows Board** announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE and TIME: Monday, August 28, 2006, 9:00 am

PLACE: Conference Call-In Number: (850)487-8540

LEADER: Melanie DiMuzio, Gubernatorial Fellows Director  
GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the board will discuss issues related to choosing the Program Logo, Budget Items, By-Laws, Fundraising, Agency Placement of 2006-2007 Fellows.

For a copy of the working agenda and more information about how to attend the meeting, contact Melanie DiMuzio at [fellows@myflorida.com](mailto:fellows@myflorida.com) or (850)488-5000.

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The **Space Florida** Board of Directors announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2006, 10:00 a.m. – 2:00 p.m.;

PLACE: Call in number: (888)808-6959, conference code: 4884711

PLACE: The Capitol, Lower Level, The Cabinet Room, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presidential Search Final dissolution of FSA, FSRI, and FAFC for full transition into Space Florida Space Florida Operations. A copy of the agenda may be obtained by contacting: [www.spaceflorida.gov](http://www.spaceflorida.gov).

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#### **REGIONAL PLANNING COUNCILS**

The **Charlotte Harbor National Estuary Program** announces a public hearing to which all persons are invited:

DATE AND TIME: August 21, 2006, 9:30 a.m.  
PLACE: Sarasota County Extension Office, Green Room, 6700 Clark Road, Sarasota, Florida 34241

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Policy Board meeting of the Charlotte Harbor National Estuary Program

A copy of the proposed agenda may be obtained by either contacting Liz Donley at (239)338-2550, Ext. 234 or on their website [www.chnep.org](http://www.chnep.org).

Please note that if a person decides to appeal any decision made by the CHNEP with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

Any person requiring special accommodation due to disability or physical impairment should contact Ms. Liz Donley at (239)338-2550, Ext. 234 at least five calendar days prior to the meeting. Persons who are hearing impaired should contact Ms. Donley using the Florida Dual Party Relay System, 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 11, 2006; 10:30 a.m.  
PLACE: Cheeca Lodge, 81801 Overseas Highway, Mile Marker 82, Islamorada, FL 33036

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Proposed Local Government Comprehensive Plan for Miami Gardens; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Local Government Comprehensive Plan Amendment for North Miami Beach; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

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 board 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.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call the Council Offices at (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council at (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 at (954)985-4416 at least five calendar days prior to the meeting.

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### REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the **South Florida Regional Transportation Authority** Governing Board will hold a meeting:

DATE AND TIME: Friday, August 25, 2006, 9:30 a.m.  
PLACE: Board Room, South Florida Regional Transportation, Administration Building, 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Executive Office at 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 33064 or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors or the Property Committee with respect to any matter considered at these meetings or hearings, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

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Notice is hereby given that the **South Florida Regional Transportation Authority** Property Committee will hold a regular committee meeting:

DATE AND TIME: Friday, August 25, 2006, 8:30 a.m.  
PLACE: Board Room, SFRTA's Administrative Offices, 800 N.W. 33rd Street, Pompano Beach, FL 33064.

Should you have any questions, please contact SFRTA Planning Office at (954)935-1930.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to the Executive Office at 800 N.W. 33rd Street, Suite 100, Pompano Beach, Florida 33064 or telephone (954)942-7245 for assistance; if hearing impaired, telephone (800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decision made by the Board of Directors or the Property Committee with respect to any matter considered at these meetings or hearings, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact the Executive Office at (954)788-7915.

#### **WATER MANAGEMENT DISTRICTS**

The **St. Johns River Water Management District** announces the following public meetings and hearings. All persons are invited.

**MEETING: GOVERNING BOARD**

**DATE AND TIME:** Tuesday, September 26, 2006, 4:00 p.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Staff will recommend approval of external budget amendments that may affect current budget; discussion and consideration of other District business including regulatory and non-regulatory matters.

**PUBLIC HEARING ON THE FINAL MILLAGE RATE AND BUDGET FOR FY 2006-2007**

**DATE AND TIME:** Tuesday, September 26, 2006, 5:05 p.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official presentation of the final FY2006-2007 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

**NOTE:** A copy of the agenda may be obtained at the SJRWMD website [www.sjrwmd.com](http://www.sjrwmd.com) or by writing to SJRWMD, P. O. Box 1429, Palatka, FL 32178-1429.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology. Persons with disabilities who may need special accommodations to participate in these meetings may contact the District Clerk (386)329-4500 at least two business days before the meeting. If any person decides to

appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

**PROJECTS & LAND COMMITTEE**

**DATE AND TIME:** Monday, September 11, 2006, 3:00 p.m.\*

(\*In the event that a quorum of this Committee is not available at this time, the meeting will be postponed until Tuesday, September 12, 2006, 8:00 a.m.)

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of Projects & Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD AND COMMITTEE CHAIRMEN**

**DATE AND TIME:** Tuesday, September 12, 2006, 8:15 a.m.

**PLACE:** District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion and consideration of District business including regulatory and non-regulatory matters.

**FINANCE & ADMINISTRATION COMMITTEE**

**DATE AND TIME:** Tuesday, September 12, 2006, 8:45 a.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion and consideration of Finance & Administration agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

**REGULATORY COMMITTEE**

**DATE AND TIME:** Tuesday, September 12, 2006, 10:00 a.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

**GOVERNING BOARD AND PUBLIC HEARINGS ON BUDGET AND LAND ACQUISITION**

**DATE AND TIME:** Tuesday, September 12, 2006, 1:00 p.m.

**PLACE:** District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discussion of budget information and consideration of District business including regulatory and non-regulatory matters.

**PUBLIC HEARING ON TENTATIVE MILLAGE RATE AND BUDGET FOR FY 2006-2007**

DATE AND TIME: Tuesday, September 12, 2006, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid Street (Hwy. 100 West), Palatka, FL 32177

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Official presentation of the tentative FY 2006-2007 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board.

**NOTE:** A copy of the agenda may be obtained at the SJRWMD website, [www.sjrwmd.com](http://www.sjrwmd.com) or by calling (386)329-4500. One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours before the meeting or hearing (386)329-4500. If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record of the proceedings is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following meeting that some Governing and Basin Board members may attend:

**BASIN BOARD MEMBER BRIEFING**

DATE AND TIME: Friday, August 25, 2006, 9:00 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Familiarize new Basin Board members on District issues, purpose, processes, and procedures

This is a public meeting; an agenda is available by contacting: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606; TDD only 1(800)231-6103 (Florida only); Fax (352)754-6874.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting which may be conducted by means of, or in conjunction with, communications media technology, specifically by telephonic conference, to which all interested persons are invited.

DATE AND TIME: August 25, 2006, 9:00 a.m.

PLACE: Collier County Government Center, Commission Chambers, Building F, 3301 East Tamiami Trail, Naples, Florida. The above address shall be the designated access point for public attendance of the meeting

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Conduct regular Basin Board Business, including adoption of the FY07 Basin Budget.

A copy of the agenda may be obtained by writing to: Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, or by calling Kathleen Tetrault at (239)597-1505. Appeals from any Big Cypress Basin Board decision require a record of the proceedings. Although Basin Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based. Persons with disabilities who need assistance may contact Kathleen Tetrault, (239)597-1505, at least forty-eight (48) hours before the meeting to make appropriate arrangements. Those persons who desire more information, or those wishing to submit written or physical evidence may contact Kathleen Tetrault, Big Cypress Basin, 6089 Janes Lane, Naples, Florida 34109, (239)597-1505.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited:

DATES AND TIME: August 23, 24, 25, 28, 29, 30, 31, 2006, September 1, 5, 6, 7, 8, 11, 2006, 9:00 a.m. until complete

PLACE: SFWMD District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular Governing Board Meeting to discuss and consider District business including, closed door sessions regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained at: (1) District Website (<http://www.sfwmd.gov/agenda.html>) or (2) by writing to: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, at (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact Director, Governing Board and Executive Services, at (561)682-6371. District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406.

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#### DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs'** Statewide Public Guardianship Office announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, August 29, 2006, 2:00 p.m. – 5:00 p.m.

PLACE: Callers within Tallahassee: (850)922-2903

Callers outside Tallahassee: 1(800)416-4254

Suncom Callers: 292-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be general business meeting of the examining committee curriculum development workgroup.

A copy of the agenda may be obtained by contacting: None.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Frankie D. Leland at (850)414-2381. 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).

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting to solicit input regarding the use of a common interest realty law.

DATE AND TIME: Wednesday, September 6, 2006, 2:00 p.m. until business is completed.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To solicit input on whether the State of Florida should move toward the use of a comprehensive common interest realty law covering the regulation of condominiums, cooperatives, timeshares and homeowner associations.

AGENCY CONTACT PERSON: Michael Cochran, Director, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032. Telephone: (850)488-1631.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least

48 hours before the meeting by contacting Sharon 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 TDD.

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Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Advisory Council on Condominiums.

DATE AND TIME: September 15, 2006: 1:00 p.m. – 6:00 p.m. (or until business is completed).

PLACE: Palm Beach County Commission Chambers, Palm Beach Governmental Center, 301 North Olive Avenue, West Palm Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input and conduct general business of the Advisory Council.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032. Telephone: (850)488-1631.

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

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The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIME: August 22, 2006. Beginning at approximately 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Dept. of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: Patrick Creehan, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

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The Florida **Board of Pilot Commissioners** announces a telephone conference call to which all persons are invited to participate.

DATE AND TIME: August 31, 2006, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 N Monroe Street, Tallahassee, FL; TELEPHONE NUMBER TO CALL: (888)808-6959, Conference Code 4878197

GENERAL SUBJECT MATTER TO BE CONSIDERED: Deputy Pilot Advancement.

Any person deciding to appeal a decision made with respect to any matter considered at this meeting will need to ensure that a verbatim record of the proceeding is made. Such record must include testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact Department of Business and Professional Regulation, Board of Pilot Commissioners (850)922-6096 at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the board office using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

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The Florida **Board of Professional Engineers** announces a public meeting of the Ad Hoc Committee on Aluminum Structures Design Manuals to which all persons are invited.

DATE AND TIME: Wednesday, September 6, 2006, 1:00 p.m.

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop rules regulating the creation, signing and sealing, and use of aluminum structures design manuals by professional engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

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 purposes 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 made.

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 Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin at (850)521-0500.

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The **Board of Professional Surveyors and Mappers** announces a General Business meeting, by way of a telephone conference call. All interested parties are invited to attend at the address listed below.

DATE AND TIME: September 5, 2006, 10:00 a.m.

PLACE: Call in number is (888)808-6959 and Conference Code number is 9226020.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct board 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 Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756 or by calling (850)487-1395. Persons who decide 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 Friday, September 1, 2006.

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The **Board of Professional Geologists** announces a General Business Meeting, by way of a telephone conference call, to which all interested parties are invited to participate.

DATE AND TIME: August 23, 2006, 2:00 p.m.

PLACE: Call in number is (888)808-6959 and Conference Code number is 922-6020

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, August 22, 2006.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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The **Environmental Regulation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2006, 9:00 a.m.

PLACE: Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, FL.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Rule adoptions include proposed revisions to Chapter 62-303, F.A.C., Identification of Impaired Surface Waters, which will allow the rule to be re-adopted as a change to Florida's water quality standards, and proposed revisions to Chapter 62-302, F.A.C., under the current Triennial Review of state surface water quality standards, which includes several revisions to surface water quality criteria. The revisions to Chapter 62-303, F.A.C., clarify the intent of the rule which is to evaluate attainment of water quality standards. Any thresholds for impairment used in the rule apply solely for purposes of assessment and listing under sections 303(d) and 305(b) of the Clean Water Act.

A copy of the agenda may be obtained by contacting: Nancy Mould at (850)245-2211, or by going to the DEP's website at the following address: <http://www.dep.state.fl.us/legal/ERC/schedule.htm>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nancy Mould at (850)245-2211. 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).

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The **Department of Environmental Protection**, Office of Greenways and Trails announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2006, 1:00 p.m.

PLACE: The Westin Innisbrook Golf Resort, 36750 US Highway 19 North, Palm Harbor, Florida 34684

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of the Florida Greenways and Trails Council. The purpose of the meeting is to elect officers and conduct other business.

A copy of the agenda may be obtained by contacting: Carol Sheppard by email at [carol.sheppard@dep.state.fl.us](mailto:carol.sheppard@dep.state.fl.us) or by telephone at (850)245-2050.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Carol Sheppard by telephone at (850)245-2050. 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).

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#### DEPARTMENT OF HEALTH

The **Department of Health, Division of Medical Quality Assurance, Florida Board of Medicine**, Probationers' Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 25, 2006, 9:00 a.m.

PLACE: Doubletree Westshore, 4500 West Cypress Street, Tampa, FL 33607, phone (813)879-4800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing to: Lisa Nickerson, Medical Compliance Officer, Department of Health, Division of Medical Quality Assurance, Client Services Unit, 4052 Bald Cypress Way, Bin C01, Tallahassee, FL 32399-3251. Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting, he/she will need a record of the proceeding, and for such purpose, he/she may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact Lisa Nickerson at (850)245-4444 Ext. 3546, no later than seven (7) days prior to the meeting at which such special accommodation is required. Hearing or speech-impaired persons may contact the Compliance Officer at the address noted above; or, via the Florida Dual Party Relay System, (800)955-8771 (TDD) or (800) 955-8770(Voice).

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The Florida **Board of Medicine's**, Probable Cause Panel (North), announces a telephone conference call to be held via meet me number.

DATE AND TIME: August 25, 2006, 2:00 p.m.

PLACE: Meet Me Number: (850)414-5775, Suncom Number: 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; Telephone (850)922-2414; 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE) via Florida Relay Service.

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The **Board of Pharmacy**, Professional Practice Committee, announces a telephone conference call to which all persons are invited.

DATE AND TIME: Friday, September 1, 2006, 2:00 p.m.

PLACE: Conference call number: 1(888)808-6959, Conference Code: 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: Adding drugs to the list of drugs a pharmacist can prescribe (Rule 64B16-27.220) and Pharmacist Self-Care Consulting Law (Emergency Contraception OTC).

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The **Board of Physical Therapy** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, August 31, 2006, 11:30 a.m. or soon thereafter

PLACE: Meet me numbers are (850)922-2903 or toll free (800)416-4254

GENERAL SUBJECT MATTER TO BE CONSIDERED: Education Committee Meeting.

A copy of the agenda may be obtained by contacting: the Department of Health, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3255 or by calling the board office at (850)245-4373, ext 3467.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by

contacting: the board office at (850)245-4373, ext. 3467 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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## FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2006, 6:00 p.m. – 8:00 p.m. CST

PLACE: Pensacola Junior College Student Center, 1000 College Boulevard, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is considering rule proposals for Escambia River Wildlife Management Area and Perdido River Water Management Area. The purpose of this public meeting is to present information and receive public comments regarding a proposed rule change for Escambia River that would extend the general gun hunting season from 26 days to 58 days. The area now has a 58-day season with the final 32 days limited to primitive weapons. The proposal would change the existing 32-day primitive weapons season to a general gun format and increases the number of days deer dog hunting is allowed on the dog hunt portion of the area.

The meeting also will feature the proposed hunting format for the new Perdido River Water Management Area owned by the Northwest Florida Water Management District.

Any proposed rule changes will be considered in concept along with public comments at the December 6-7, 2006 Commission meeting to be held in Key Largo; rule proposals will not be considered for adoption until the February 7-8 Commission meeting scheduled for Destin.

A copy of the agenda may be obtained by contacting: Cory R. Morea, at 5300 High Bridge Road, Quincy, Florida at (850)627-1774.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Cory R. Morea, at 5300 High Bridge Road, Quincy, Florida at (850)627-1774.

The **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: September 7, 2006, 3:30 p.m. – 5:30 p.m. EST (2:30 p.m. – 4:30 p.m. CST for the Panama City location).

PLACE: The public may access this video conference at the following locations:

Florida Fish and Wildlife Conservation Commission  
Farris Bryant Building, Room 272  
620 South Meridian Street  
Tallahassee, FL 32399  
(850)487-1764

Northwest Regional Office  
3911 Hwy. 2321  
Panama City, FL 3209  
(850)265-3676

North Central Regional Office  
3377 E. US Hwy 90  
Lake City, FL 32055  
(386)758-0525

Northeast Regional Office  
1239 SW 10th Street  
Ocala, FL 34474  
(352)732-1225

Southwest Regional Office  
3900 Drane Field Road  
Lakeland, FL 33811  
(863)648-3203

South Regional Office  
8535 Northlake Boulevard  
West Palm Beach, FL 33412  
(561)625-5131

Fish and Wildlife Research Institute  
100 Eighth Avenue, S.E.  
St. Petersburg, FL 33701  
(727)896-8626

South Florida Regional Lab  
Marathon Government Center  
2796 Overseas Highway  
Mile Marker 48.5  
Marathon, FL 33050

(305)289-2330

Melbourne Field Lab  
FWC/FWRI  
1220 Prospect Ave., Suite 285  
Melbourne, FL 32901-6988  
(321)984-4828

Jacksonville Field Lab  
FWC/FWRI  
6134 Authority Ave  
Jacksonville, FL 32221  
(904)573-4999

Gainesville Field Lab  
FWC/FWRI  
4005 South Main St  
Gainesville, FL 32601  
(352)955-2230

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Fish and Wildlife Conservation Commission is holding a workgroup video conference meeting to gather public testimony regarding the results of the most recent red drum stock assessment and potential management options.

A copy of the agenda may be obtained by contacting: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Mark Robson, 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

The Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: September 19, 2006, 8:00 a.m. – 5:00 p.m.  
PLACE: Hilton St. Petersburg Bayfront, 333 1st Street, South, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the snook stock assessment and the future of the snook fishery.

A copy of the agenda may be obtained by contacting: Mark Robson, at 2590 Executive Center Circle, East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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.

For more information, you may contact: Mark Robson, 2590 Executive Center Circle East, Suite 201, Tallahassee, Florida 32301, (850)487-0554.

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### DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2006, 11:00 a.m.

PLACE: 401 N.W. 2nd Avenue, Room N423, Miami, Florida 33128

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Historic Task Force to consider a system of fire protection and lifesafety support necessary for a public lodging establishment structure that is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended; or is a contributing property to a National Register-listed district; or is designated as a historic property, or as a contributing property to a historic district under the terms of a local preservation ordinance.

A copy of the agenda may be obtained by contacting: Millicent King, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, FL 32399-0342, or by telephone at (850)413-3171.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Millicent King at (850)413-3171. 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).

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### FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: August 25, 2006, 10:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

CONTACT NAME AND NUMBER: Lori Fitzsimmons, Esquire, (850)413-4158 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Home Insurance Company has requested a 73.4% average statewide rate increase for its homeowners insurance and a 43.8% average statewide rate increase for its dwelling fire insurance. The requested rate increases are not uniform and some areas are subject to higher rate increases. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com); the subject line of your e-mail should read "First Home 06-06788 and 06-08528."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

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The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE and TIME: August 25, 2006, 1:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

CONTACT NAME AND NUMBER: Lori Fitzsimmons, Esquire, (850)413-4158 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Metropolitan Casualty Insurance Company/Metropolitan Property and Casualty Insurance Company has requested a 95.7% average statewide rate increase for its homeowners insurance. The requested rate increase is not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at [ratehearings@fldfs.com](mailto:ratehearings@fldfs.com); the subject line of your e-mail should read "Metropolitan 06-06924."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at [sam.coskey@fldfs.com](mailto:sam.coskey@fldfs.com) at least 48 hours before the hearing.

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The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: August 29, 2006, 1:00 p.m.

PLACE: Holland G. Mangum (City of Seminole) Recreation Center, 9100 – 113th Street North, Seminole, FL 33772

CONTACT NAME AND NUMBER: Paul Norman, Esquire (850)413-4142 or Sam Coskey (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Nationwide Insurance Company of Florida has requested a 71.5% average statewide rate increase with regard to homeowners policies. The requested rate increase is not uniform and some areas are subject to a higher rate increase than other areas.

Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "Nationwide Filing."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing should contact James R. Sheets, Recreation Director, at (727)391-8345 at least 48 hours before the hearing.

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The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: August 31, 2006, 10:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

CONTACT NAME AND NUMBER: Lori Fitzsimmons, Esquire, (850)413-4158 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Southern Fidelity Insurance Company has requested a 57.3% average statewide rate increase for its homeowners insurance and a 40.4% average statewide rate increase for its dwelling fire insurance. The requested rate increases are not uniform and some areas are subject to higher rate increases. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Southern Fidelity 06-07057 and 06-07517."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at sam.coskey@fldfs.com at least 48 hours before the hearing.

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The **Office of Insurance Regulation** announces a public hearing to which all persons are invited:

DATE AND TIME: August 31, 2006, 1:00 p.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

CONTACT NAME AND NUMBER: Lori Fitzsimmons, Esquire, (850)413-4158 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Community Insurance Company has requested a 35.0% average statewide rate increase for its dwelling fire insurance. Since the original filing, the Company has amended its rate increase request to 64.6%. The requested rate increase is not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "First Community 06-07724."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone or email Sam Coskey at (850)413-2616 or email at sam.coskey@fldfs.com at least 48 hours before the hearing.

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The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: September 19, 2006. 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 69O-149.005, .006, .007, Florida Administrative Code, published on April 28, 2006, in Vol. 32, No. 17, of the *Florida Administrative Weekly*. A notice of change was published on July 14, 2006, in Vol. 32, No. 28, of the *Florida Administrative Weekly*.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Linda Ziegler at E-mail: linda.ziegler@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.005 Reasonableness of Benefits in Relation to Premiums.

(1) through (11) No change.

(12) Upon request of the Office, the company shall provide an actuarial demonstration that benefit and premium relativities provided on a form currently available for sale are reasonable in relation to benefit and premium relativities

provided in other forms currently available for sale in the same rating pool, given actuarial considerations generally used in pricing a product.

(13)(a) Whenever a company makes a non-contractual offering to existing insureds, without underwriting, to replace or exchange their policy with alternate coverage where the original policy is priced on an issue age rate schedule, the rate charged to the insured for the new policy shall recognize the policy reserve buildup, due to the prefunding inherent in the use of an issue at rate basis, to the benefit of the insured. The method proposed by the company must be filed for approval. The rate for the conversion shall be at the most similar rating class as was the original coverage. A statutorily required conversion provision would be considered contractual.

(b) Notwithstanding the above, a company may always convert at the original issue age and duration of the insured without providing justification to the Office.

Specific Authority 624.308(1), 627.410(6)(b)(~~d~~), (~~e~~) FS. Law Implemented 626.9541(1), 627.410(6)(d), (e), 627.410(7), 627.411(1)(a), (e), 627.9175 FS. History--New 7-1-85, Formerly 4-58.05, 4-58.005, Amended 4-18-94, 11-20-02, Formerly 4-149.005, Amended 5-18-04, \_\_\_\_\_.

690-149.006 Actuarial Memorandum.

(1) through (2) No change.

(3) Descriptions.

(a) No change.

(b) The descriptions, by item number, of the terms listed above in subsection (2) follow:

1. through 22. No change.

23. Experience on the Form (Past and Future Anticipated):

This section shall display the actual experience on the form and that expected for the future.

a. through c. No change.

d. The experience exhibit shall be ~~available to be submitted upon request directly to the assigned analyst electronically in an active Excel worksheet or workbook, i.e., not converted to a PDF or other image format. Formulas used to develop other values in the worksheet or workbook shall be included. It is noted that the I-file system does provide for the submission of information on a trade secret basis. If this is used, the company shall additionally file a workbook without the trade secret information for the public domain.~~

24. through 28. No change.

Specific Authority 624.308(1), 627.410(6)(b), (e) FS. Law Implemented 627.410(1), (2), (6), 627.411(1)(e) FS. History--New 7-1-85, Formerly 4-58.06, 4-58.006, Amended 4-18-94, 4-9-95, 11-20-02, 6-19-03, Formerly 4-149.006, Amended 5-18-04, \_\_\_\_\_.

690-149.007 Annual Rate Certification (ARC) Filing Procedures.

(1) through (3) No change.

(4) Non-cancellable coverages which are no longer available for sale and which have not been sold or marketed for at least 5 years and are in compliance with the reasonableness standards of Rule 690-149.005, F.A.C., shall be exempt from the filing requirements of this rule. If a company is subsequently discovered not to have met the standards, they shall, in addition to other administrative remedies, be required to enhance benefits and make premium refunds to bring the form into full compliance with the loss ratio standards of Rule 690-149.005, F.A.C.

(5) An ARC filing shall consist of:

(a) through (b) No change.

(c) A certification by an actuary, in accordance with subparagraph 690-149.006(3)(b)28., F.A.C. For policies subject to the provisions of Part II of Rule 690-157, F.A.C., the certification in accordance with Rule 690-157.108(1)(c), F.A.C., is required.

(6)(~~a~~) A filing shall include only forms that are pooled together for rating purposes as provided by Rule 690-149.003(1), F.A.C. Separate filings shall be made for separate rating pools.

~~(b) Forms that are pooled together for rating purposes should be submitted under a single ARC filing. The company may request that an ARC filing may be made for a form separate from the other forms within the rating pool. Making separate ARC filings for forms that would otherwise be considered combined for rating purposes does not constitute a change in the forms to be pooled for rating purposes. At the time any of the forms would be filed for a rate change, all forms shall be pooled as required by subsection 690-149.003(1), F.A.C., regardless of how the forms were filed for ARC compliance.~~

(7) No change.

(8) When a company using a current rate schedule is unable to demonstrate that the minimum loss ratio standards in Rule 690-149.005, F.A.C., are met, it shall make a rate filing with the Office pursuant to Rule 690-149.003, F.A.C., to reduce rates, enhance benefits, make refunds, or a combination of these both to satisfy the standards.

(a) A company may make a certification in compliance with this rule without such change to benefits, refunds, or premiums if the A/E ratio for the past experience periods are, both in pattern and aggregate value, consistently at or in excess of .85; ~~or-~~

(b) For rating pools that are not fully credible, the company may make a certification in compliance with this rule if both the lifetime A/E ratio and the future A/E ratio are at or in excess of .85 when assuming best estimate assumptions in determining projected values. In determining the necessary adjustment, the company may assume up to a 15 percent margin in future projected claim costs and may target a future and lifetime actual to expected ratio of .85.

(c) If the certification in (a) or (b) is unable to be made, and the company has been in compliance with these rules, the company shall make a rate filing pursuant to Rule 69O-149.003, F.A.C., to reduce rates, enhance benefits, make refunds, or a combination of these which shall target a future A/E ratio of at least 1.0.

(9) through (10) No change.

Specific Authority 624.308 FS. Law Implemented 627.410 FS. History—New 5-14-92, Amended 11-20-02, Formerly 4-149.007, Amended 5-18-04,\_\_\_\_\_.

**FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION**

The **Florida Workers’ Compensation Joint Underwriting Association**, Inc. (FWCJUA) announces a Rates & Forms Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: August 31, 2006, 1:00 p.m.

PLACE: To participate in the teleconference meeting, please contact Kathleen Coyne at (941)378-7408.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes; confirmation of Actuary; 2006 loss ratio & emergence; 2007 rate indication; Operations manual revision; Interchange of Labor Rule. A copy of the agenda may be obtained from the FWCJUA’s website, www.fwcjua.com or by contacting Kathleen Coyne, at (941)378-7408.

**VISIT FLORIDA**

The **Visit Florida** Board of Directors announces a public meeting as follows:

PLACE: VISIT FLORIDA Corporate Office, 661 East Jefferson Street, Tallahassee, FL 32301, (850)488-5607

DATE AND TIME: Monday, September 11, 2006, 10:00 a.m. Finance Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review financial statements and other business as necessary.

For further information contact Susan Gale at VISIT FLORIDA, P. O. Box 1100, Tallahassee, Florida 32302-1100, or at (850)488-5607, ext. 334. Any person requiring special accommodations at this meeting because of a disability should contact VISIT FLORIDA at least five business days prior to the meeting. Persons who are hearing or speech impaired can contact VISIT FLORIDA by using the Florida Relay Service at 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD)

**ENTERPRISE FLORIDA**

**Enterprise Florida**, Inc. announces a public meeting to which all persons are invited:

DATE AND TIME: Wednesday, August 23, 2006, 1:00 p.m. – 4:30 p.m.

PLACE: Lake City Community College, Bernie McRae Medical Technology Building #103, 149 S.E. College Place, Lake City, FL 32025

Meeting: Rural Economic Development Catalyst Project within Florida’s North Central Rural Area of Critical Economic Concern

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the second meeting within the North Central 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 accommodation is needed for a disability or physical impairment, please contact April Money at (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).

**FLORIDA SPORTS FOUNDATION**

The **Florida Sports Foundation** announces its quarterly Board of Directors Meeting to which all persons are invited.

DATE AND TIME: Friday, September 8, 2006, 8:30 a.m. – 4:00 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, FL 33607, (813)879-5151

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

**ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY**

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited:

DATE AND TIME: September 14, 2006, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

**AREA AGENCY ON AGING OF PASCO-PINELLAS**

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, August 21, 2006, 9:30 a.m.,  
(Please call to confirm date, time and location)

PLACE: Area Agency On Aging of Pasco-Pinellas, 9887 4th  
St. N. Suite 100, St. Petersburg, Florida 33702, (727)570-9696  
GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Area Agency on Aging of Pasco-Pinellas, Inc., Board of  
Directors' Meeting.

Please note that if a person decides to appeal any decision  
made by AAAPP Board with respect to any matter considered  
at the above cited meeting or hearing, they will need to ensure  
that a verbatim record of the proceedings is made, which  
record includes the testimony and evidence upon which the  
appeal is based.

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#### ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for  
Vocational Rehabilitation) will hold a Board Meeting on:

DATE AND TIME: September 16, 2006, 9:30 a.m. – 12:00  
Noon

PLACE: Westin Diplomat Resort, Ft. Lauderdale, FL.

The purpose is to review/approve grants to assist persons with  
disabilities in securing employment, election of Officers and  
routine committee reports. Please contact The Able Trust at  
(888)838-2253 by September 11, 2006 if you need additional  
information or accommodations.

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#### WORKFORCE FLORIDA

**Workforce Florida** announces their quarterly Board of  
Directors' and related meetings to which all persons are  
invited.

DATES AND TIMES: Partners' Meeting, August 23, 2006,  
1:00 p.m. – 5:00 p.m.; Board of Directors' meeting, August 24,  
2006, 9:00 a.m. – 4:30 p.m.

PLACE: Hyatt Regency Jacksonville-Riverfront Hotel, 225 E.  
Coastline Drive, Jacksonville, Florida 32202, (904)588-1234

For more information contact: Peggy Dransfield,  
(850)921-1119.

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#### FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

CANCELLED – The **Florida Automobile Joint  
Underwriting Association** announces the following  
cancellation of the FAJUA Finance Committee teleconference:  
FAJUA Finance Committee Teleconference

DATE AND TIME: Thursday, August 10, 2006, 10:00 a.m.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To  
review and discuss matters relating to FAJUA financial  
procedures, data reporting and any other matters that may  
come before the committee.

Additional information may be obtained from: Lisa  
Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee,  
FL, (850)681-2003, lstoutamire@fajua.org.

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#### FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a series  
of public telephonic conference calls to which all persons are  
invited to participate.

DATES AND TIMES: Tuesday, August 22, 2006, 8:00 a.m.;  
Tuesday, August 29, 2006, 8:00 a.m.; Tuesday, September 12,  
2006, 8:00 a.m.; Tuesday, September 1, 2006, 8:00 a.m.;  
Tuesday, September 26, 2006, 8:00 a.m.

PLACE: CALL IN INSTRUCTIONS: Step 1: Dial the  
Conference Access Number: 1(866)200-9760

Step 2: Enter the PIN Code: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Florida Patient Safety Corporation; Patient Safety Position Ad  
Hoc Task Force.

The sole purpose of each meeting is to develop a set of  
recommendations to the Florida Patient Safety Corporation  
Board of Directors regarding the creation of a patient safety  
specialist position. Please note that should the work of the Task  
Force be completed, all meetings, although noticed, may not be  
necessary. For further information, please contact Susan Moore  
at susan.a.moore@comcast.net or write to the Florida Patient  
Safety Corporation, 2722 Waterford Glen Court, Tallahassee,  
Florida 32312.

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#### COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES

The **Commission on Marriage and Family Support  
Initiatives** announces the following meetings of the  
commission to which all persons are invited to attend.

PLACE: All the meetings will be held via conference call at  
111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

MEETING TYPE: EXECUTIVE COMMITTEE

DATE AND TIME: Wednesday, September 6, 2006, 8:30 a.m.  
– 9:30 a.m.

MEETING TYPE: PROGRAM COMMITTEE

DATE AND TIME: Wednesday, September 6, 2006, 10:00  
a.m. – 11:30 a.m.

MEETING TYPE: POLICY COMMITTEE

DATE AND TIME: Thursday, September 7, 2006, 9:00 a.m. –  
11:00 Noon

MEETING TYPE: PUBLIC AWARENESS COMMITTEE

DATE AND TIME: Friday, September 15, 2006, 10:00 a.m. –  
12:00 Noon

MEETING TYPE: OFFICER PLANNER WITH  
EXECUTIVE DIRECTOR

DATE AND TIME: Monday, August 28, 2006, 3:00 p.m. –  
4:00 p.m.

DATE AND TIME: Monday, September 25, 2006, 3:00 p.m. – 4:00 p.m.

For a copy of the agendas and more information about how to attend the meetings contact Heidi Rodriguez at hrodriguez@ounce.org or (850)488-4952, ext. 135. Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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#### **FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION**

NOTICE OF CHANGE – The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, FWCJUA announces an Operations Committee teleconference meeting to which all interested parties are invited to attend.

DATE AND TIME: August 30, 2006, 10:00 a.m.

PLACE: To participate in the teleconference meeting, please contact Kathleen Coyne, (941)378-7408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics will include approval of minutes; 2007 Business Plan and Forecast preliminary outline; Disaster Recovery Plan; Anti-Fraud Plan and Document Management System update.

A copy of the agenda may be obtained from: FWCJUA's website, [www.fwcjua.com](http://www.fwcjua.com) or by contacting Kathleen Coyne, (941)378-7408

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## Section VII Notices of Petitions and Dispositions Regarding Declaratory Statements

#### **DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Florida Air Designs, Inc., on November 10, 2005. It was assigned the number DCA05-DEC-217. A copy of the Declaratory Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission has issued a Declaratory Statement in response to a request received from Institute for Business and Home Safety and Mercedes Homes, on November 14, 2005. It was assigned the number DCA05-DEC-220. A copy of the Declaratory

Statement can be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on July 31, 2006, from R2 Self, Inc., regarding application of the "24-25 rule" pertaining to sizing of stair risers and treads pursuant to Section R311.5.3, Florida Building Code, Residential Volume (2004 as amended 12/05). It has been assigned the number DCA06-DEC-180. A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 1, 2006, from Four Seasons Sunrooms, regarding the appropriate performance grade to be utilized for a window subjected to structural testing and water resistance testing pursuant to AAMA/NWWDA 101/I.S.2-97, a standard adopted by reference Sections 2411 and 1714, Florida Building Code, Building Volume (2004 as amended 12/05). It has been assigned the number DCA06-DEC-188. A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on July 28, 2006, from CHPA Consulting Engineers, Inc., regarding ventilation and transfer air supplied from the guest corridor of a guest tower designed by the Petitioner, under the guest room door, and exhausted from the bathroom and compliance of said design with Sections 403.2.2 and 601.2, Florida Building Code, Mechanical Volume (2004 as amended 12/05). It has been assigned the number DCA06-DEC-182. A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on August 1, 2006, from Rolf Jensen & Associates, Inc., regarding application of Section 902.3, Florida Building Code, Existing Building Volume (2004 as amended 12/05), to a 340,000 square foot addition to an existing Group S1 warehouse without a four hour fire resistive rated building separation wall and, specifically whether draft curtains or an ESFR sprinkler system is required. It has been assigned the number DCA06-DEC-181. A copy of the request may be

obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN that the Florida Building Commission received a request for Declaratory Statement on July 28, 2006, from Roll-A-Cover, Int'l., regarding whether statewide approval is available for the Petitioner's product and, if so, by what process and under what subcategory or subcategories, pursuant to Chapter 9B-72, Florida Administrative Code. It has been assigned the number DCA06-DEC-179. A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

The Board of Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed by Jack J. Michel, M.D., on behalf of Project Access Foundation. The Petition was filed on August 8, 2006. The Petition seeks the Board's interpretation of Section 458.315, Florida Statutes, with regard to areas of critical need and the expansion of scope of service to include crisis stabilization services. The Board will consider this petition at its meeting scheduled for October 7, 2006, in Tampa, Florida. Copies of the petition may be obtained by writing Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

**OFFICE OF FINANCIAL REGULATION**

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation has received a petition for declaratory statement from Your Money Access, LLC. The petition seeks the Office's opinion as to the applicability of Chapter 560, Florida Statutes, and specifically the definitions of the terms "Funds Transmitter" and "Money Transmitter" as set forth in Section 560.103, Florida Statutes, to the activities of the petitioner.

A copy of the petition for declaratory statement may be obtained by writing to: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 East Gaines Street, Tallahassee, FL 32399-0379

**Section VIII  
Notices of Petitions and Dispositions  
Regarding the Validity of Rules**

**Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:**

**NONE**

**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

**NONE**

**Section IX  
Notices of Petitions and Dispositions  
Regarding Non-rule Policy Challenges**

**NONE**

**Section X  
Announcements and Objection Reports of  
the Joint Administrative Procedures  
Committee**

**NONE**

**Section XI  
Notices Regarding Bids, Proposals and  
Purchasing**

**DEPARTMENT OF EDUCATION**

**REQUEST FOR BID**

The University of Florida, Purchasing & Disbursement Services will receive sealed bids for the following: ITB07MW-106, W/O 860599, O'Connell Center Exterior Lighting Phase 2, estimated budget: \$250,000, to be opened September 12, 2006, at 2:00 p.m. Local Time. Scope of work: Provision of pedestrian-scale area lighting and landscape lighting around the exterior of the Stephen C. O'Connell Center. Work includes exterior luminaries, aluminum light

poles, concrete pole bases, underground wiring and conduit, in-grade junction boxes, outdoor lighting controls, and new panelboard and feeder from existing distribution. Non-mandatory Pre-Bid Meeting will be held August 29, 2006, at 10:00 a.m. in the Physical Plant Division, Architecture/Engineering Conference Room, Bldg. 700, Radio Road, Gainesville, FL. Specifications and Plans are available in Purchasing & Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331, ext. 224. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, (352)392-1331 within three (3) days of the event.

#### NOTICE TO CONSTRUCTION MANAGERS

Florida Atlantic University, on behalf of its Board of Trustees, announces that Construction Management services will be required for the project listed below:

Project No.: BT#679 located at Florida Atlantic University's Boca Raton Campus.

The project will consist of a 2-story building (approx. 13,000 sf.), comprising of a reception/dining/event center for 100, administrative space and work area, three (3) classrooms with moveable walls, a Board Room, an Alumni library, and a Professional Development Center. The estimated construction cost is \$2,800,000.00.

The contract for Construction Management services will consist of two phases. Phase one is pre-construction services, for which the Construction Manager will be paid a fixed fee. Phase one services include value engineering, constructability analyses, development of a cost model, estimating, and the development of a Guaranteed Maximum Price (GMP) at 100% Construction Document phase. If the GMP is accepted, Phase two, the construction phase, will be implemented. In phase two of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including experience and ability; past experience; bonding capacity; record-keeping, administrative ability, critical path scheduling expertise; cost estimating; cost control ability; quality control capability; qualification of the firm's personnel, and staff and consultants. Finalists will be provided with a copy of the building program and the latest documentation prepared by the project architect/engineer, a description of the final interview requirements and a copy of the standard Florida Atlantic

University Construction Management Agreement. The Selection Committee may reject all proposals and stop the selection process at any time. The Construction Manager shall have no ownership, entrepreneurial or financial affiliation with the selected architect/engineer involved with this project.

Firms desiring to provide Construction Management services for the project shall submit a letter of application and a completed "Florida Atlantic University Construction Manager Qualification Supplement" (FAUCMPQS Revised January 2004). Proposals must not exceed 40 pages, including the Construction Manager Qualifications Supplement and letter of application. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data will not be considered. No submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

The FAUCMQS form and the Project Fact Sheet may be obtained on our website at: <http://uavp.fau.edu>, or by contacting: Carla Capeletti, Office of the Associate Vice President and University Architect, Florida Atlantic University, 777 Glades Road, Campus Operations Bldg. #69, Room 101, Boca Raton, Florida 33431, Telephone (561)297-2663 – Fax (561)297-0224.

Five (5) bound sets of the required proposal data shall be submitted and addressed to: Mr. Tom Donaudy, Associate Vice President and University Architect, at the above address by 5:00 p.m. on September 18, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

#### PROJECT FACT SHEET

Alumni Center

BT-679

Florida Atlantic University

#### PROJECT DESCRIPTION

The project will consist of a 2-story building (approx. 13,000 sf.) comprising of a reception/dining/event center for 100, administrative space and work area, three (3) classrooms with moveable walls, a Board Room, an Alumni library, and a Professional Development Center.

This facility will be constructed using the construction management delivery process.

The Construction budget is approximately \$2,800,000.00.

**SELECTION CRITERIA**

Firms will be evaluated in the following areas: Experience and ability, past experience; bonding capacity; record-keeping; administrative ability; critical path scheduling expertise; cost estimating; cost control ability; quality contract capability; qualification of the firm’s personnel, staff and consultants; and the ability to phase a project such that key existing computer functions are kept operational throughout the project.

Experience and ability scores will be based on the following criteria:

1. Experience in projects of similar size and scope.
2. Experience in working with Universities.

**SELECTION COMMITTEE**

Tom Donaudy, University Architect & Associate Vice President

Raymond Nelson, Director, Facilities Planning

Jim Baker, Director, Engineering & Utilities

Patricia Breman, Assistant Vice President, Committee Chair (or designee)

Harold & Marleen Forkas, Donor

**SELECTION SCHEDULE:**

The anticipated schedule for selection, award, and negotiation is as follows:

- Submittal Due: September 18, 2006
- Shortlist Meeting: TBD
- Final Interviews: TBD
- Contract Negotiation: TBD

**GENERAL INFORMATION**

1. All applicants will be notified of the results of the short list in writing. Finalists will be informed of the interview date and time and will be provided with additional project information, if available.
2. The Selection Committee will make a recommendation to the President of the University. All finalists will be notified in writing of the President’s action. Upon approval by the President, negotiations will be conducted in accordance with Section 287.055, Florida Statutes.
3. A copy of the building program is available on our website at <http://uavp.fau.edu>.

**DUVAL COUNTY PUBLIC SCHOOLS**

**ADVERTISEMENT FOR BIDS**

Invitation to Bid (ITB)

For a

Roofing Contractor

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and

recorded in the Duval County Public Schools, School Board Building, located at 1701 Prudential Drive, Jacksonville, Florida, 5th Floor, Room 513D.

**BIDS ARE DUE ON OR BEFORE September 19, 2006 AND WILL BE ACCEPTED UNTIL 2:00 p.m.**

Districtwide Roof Replacement at Chimney Lakes Elementary School No. 232 and Alimacani Elementary School No. 257, DCPS PROJECT NO. M-85600

**SCOPE OF WORK:** Install new metal roof systems on Chimney Lakes Elementary School No. 232 and Alimacani Elementary School No. 257. The estimated construction cost Budgeted Not to Exceed \$2,720,000.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on September 11, 2006, 10:00 a.m. at Chimney Lakes Elementary School No. 232, 9353 Staples Mill Drive, Jacksonville, Florida 32244. Failure to attend the pre-bid conference shall result in disqualification of that firm’s proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of: Akel, Logan & Shafer, P.A., 704 Rosselle Street, Jacksonville, Florida 32204  
DCSB Point of Contact: Dale Hughes, (904)858-6300

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room Construction Bulletin  
Construction Market Data, Inc. National Association of  
Minority Contractors

MBE Participation Goal: 10% Overall

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.

Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL. 32207; Ph. (904)390-2358 or (904)390-2922, Fax: (904)390-2265, Email: [beaudoinr@educationcentral.org](mailto:beaudoinr@educationcentral.org) or [Faganr@educationcentral.org](mailto:Faganr@educationcentral.org).

The Bid Award Recommendation will be posted on the first floor bulletin board at the Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

**ATTENTION:** All advertisements must contain wording similar to the following if the project is Multi-Year Funded:

The Total Project is \$x,xxx,xxx, however, DCPS has received appropriations totaling only \$x,xxx,xxx. Additional appropriation in the amount of \$x,xxx,xxx is expected next year.

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

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

**EXECUTIVE OFFICE OF THE GOVERNOR**

Volunteer Florida, the Governor's Commission on Volunteerism and Community Service, is pleased to announce the availability of funds for the reimbursement of costs incurred for the in-state sheltering/hosting of out-of-state Hurricane Katrina/Rita evacuees. Eligible organizations are Private Non-Profit (PNP) 501(c)3 organizations (including faith-based organizations). For forms and more information please review the information at <http://www.volunteerflorida.org/secondlevel/kpr.html>. The submission deadline is September 30, 2006. This information is subject to change. Please review the website for the most current information.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF INVITATION TO BID  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BID NO. BDC06-06/07**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** John U. Lloyd Beach State Park- Bathroom Replacement

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials required to construct a new replacement restroom and modify the existing infrastructure, including water, power, and sewer hook-up for the new replacement restroom. The project is to include the construction of all walkways, grading, accessible ramp and stair elements connecting to proposed coquina path, and wood piles for the new structure. The removal of the existing restroom will be bid as an alternate.

**PARK LOCATION:** John U. Lloyd Beach State Park, 6503 N. Ocean Dr., Dania Beach, FL 33004

**PROJECT MANAGER:** Kimsey Helms, Bureau of Design and Construction, Telephone Number: (850)488-5372 Fax Number: (850)488-3537

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000.00, each bidder whose bid is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on August 18, 2006 at: John U. Lloyd Beach State Park, 6503 N. Ocean Dr., Dania Beach, FL 33004 Attention: Sidney Leve, Telephone Number: (954)924-3859

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, September 19, 2006 to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Construction.

**NOTICE OF INVITATION TO BID  
STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION  
BID NO. BDC08-06/07**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Curry Hammock State Park – New Residence

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials required to furnish and install a three bedroom, two bathroom, with great room-living room, approximately 28' x 60', DCA approved modular home with a wind velocity rating of 150 mph or greater, provide a engineered permanent foundation and anchoring, and Florida Keys permitting and utility connections. Affordable Housing Allocation has been issued by City of Marathon.

**PARK LOCATION:** Curry Hammock State Park, 56200 Overseas Hwy, Marathon, FL 33050

**PROJECT MANAGER:** Randy Strange, Bureau of Design and Construction, Telephone Number: (850)488-5372 Fax Number: (850) 488-3537

**MINORITY BUSINESS REQUIREMENT:** The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

**PREQUALIFICATION:** When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

**INSTRUCTIONS:** Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on August 18, 2006 at: Curry Hammock State Park, 56200 Overseas Hwy, Marathon, FL 33050 Attention: Manny Perez, Telephone Number: (305)289-2690

**ADA REQUIREMENTS:** Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact the Bureau of Design and Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling (800)955-8771 (TDD) or (800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, September 12, 2006 to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida

32309. The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Construction.

## **DEPARTMENT OF MILITARY AFFAIRS**

### **ADVERTISEMENT FOR BIDS**

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO NO. 205202 ACCOUNTING CODE: NA

PROJECT NAME

& LOCATION: RENOVATIONS AND ADDITIONS TO THE FORT MYERS NATIONAL GUARD ARMORY 3405 MARION STREET FORT MYERS, FLORIDA

FOR: GENERAL CONSTRUCTION

**PREQUALIFICATION:** Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility to submit proposals five (5) calendar days prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction To Bidders under Section B-2 "Bidder Qualification Requirements and Procedures".

**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 has 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 AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is less than \$100,000.00, a Performance Bond and a Labor And Material Payment Bond are not required.

**MANDATORY PRE-BID MEETING**

DATE AND TIME: September 6, 2006, 10:00 a.m. Local time

PLACE: FORT MYERS NATIONAL GUARD ARMORY  
3405 MARION STREET  
FORT MYERS, FL

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: September 27, 2006, Until 10:00 a.m. Local time

PLACE: FORT MYERS NATIONAL GUARD ARMORY  
3405 MARION STREET  
FORT MYERS, FL

PROPOSAL: Bids must be submitted in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which may be examined and obtained from the:

**ARCHITECT-**

ENGINEER: Renker Eich Parks Architects  
1609 Dr. Martin Luther King Street North  
St. Petersburg, FL  
Attn: Terry T. Miller, RA

TELEPHONE: (727)821-2986, x 209

DEPOSIT: \$200.00 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications:

- a. Submit a request for pre-qualification and fail to qualify, or
- b. Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

-OR-

FULL SETS of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$150.00 per set.

CONTRACT AWARD: Contract Award will be on Base Bid items only. The official Notice of Award Recommendation will be by electronic posting on the Department's website 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 by the Owner.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

**FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL**

**REQUEST FOR PROPOSALS (FDDC # 2006-EM-4700)**

**Supported Employment Payments & Incentives Study**

The Florida Developmental Disabilities Council (FDDC) announces the availability of a Request for Proposals. This RFP is being issued to enhance the information base necessary for the FDDC continued efforts to provide individuals with developmental disabilities the tools necessary to live, work and play in their communities. The primary objective of this contract is to conduct a review of the literature and best practices with regard to payment/incentive structures of supported employment systems throughout the country. The FDDC is particularly interested in those systems that have aligned payment/incentive structures across state agency lines and a review of the practices and outcomes of those systems.

The Contractor will provide a comprehensive review of the literature and practices in other states and around the country for providing streamlined supported employment services across agency lines with a uniform payment and incentive system. The result of the study will be a white paper that discusses the issues and challenges faced by state agencies in providing consistent supported employment services while providing adequate incentives to providers to develop and support competitive, integrated employment opportunities for individuals with the most significant disabilities. Based on the findings of the study, the Contractor will make recommendations specific to Florida on system changes which streamline supported employment services through a uniform payment and incentives structure.

Individuals, not-for-profit, and for-profit agencies may submit proposals in response to this RFP. The approximate amount of funds available for the project awarded based on this RFP will be \$20,000. The exact amount of this contract will be developed during contract negotiations.

Copies of this RFP can be downloaded from the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 201, Tallahassee, FL 32301, or calling (850)488-4180 or Toll Free 1(800)580-7801 or TDD Toll Free (888)488-8633.

The deadline for submitting letters of intent and written questions is by 4:00 p.m. EDT September 18, 2006. The deadline for submitting proposals is 2:00 p.m. EDT on October 27, 2006. Emails will not be accepted.

In order for your proposal to be considered, a letter of intent must be received by the above referenced deadline. Letters of intent will only be accepted by fax, mail, or hand delivery. Letters of intent by email will not be accepted. All answers to

written questions will be posted on the FDDC website on or before the week of September 25, 2006. The deadline for submitting proposals for this RFP is by October 27, 2006, 2:00 p.m. EDT.

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY & THE FDDC WEB PAGE (WWW.FDDC.ORG) ON AUGUST 18, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THE RFP TO MISTY GRIMM.

Request for Proposals  
Legislative Consultant

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Legislative Consultant. Copies of the RFP can be downloaded for the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301; or calling (850)488-4180; 1(800)580-7801 (Toll Free); 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposal for Legislative Consultant is released in order to further the Council's support of providing Legislative education and advocacy services for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of the Legislative Consultant RFP for specific information.

The deadline for submitting written questions and letters of intent for this ITN is September 1, 2006 by 4:00 p.m. (DST). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of September 5, 2006. The deadline for submitting proposals for this RFP to FDDC is September 22, 2006 by 2:00 p.m. (DST).

THE ABOVE ANNOUNCEMENT WILL APPEAR IN THE FLORIDA ADMINISTRATIVE WEEKLY & THE FDDC WEB PAGE ([fddc.org](http://fddc.org)) ON AUGUST 18, 2006.

PLEASE FORWARD ALL REQUESTS FOR COPIES OF THIS RFP TO MISTY GRIMM. QUESTIONS ARE TO BE SUBMITTED IN WRITTEN FORMAT ONLY. THIS IS A LEGAL PROCESS AND WE CANNOT ANSWER QUESTIONS VERBALLY.

## Section XII Miscellaneous

### DEPARTMENT OF STATE

#### GUIDELINES AND APPLICATIONS AVAILABLE FOR STATE AID TO LIBRARIES GRANTS

Grant applications and guidelines are available for the following program administered by the Florida Department of State, State Library and Archives of Florida:

State Aid to Libraries – Applications must be postmarked by October 1, 2006.

Grant guidelines and application packets for State Aid to Libraries grants are available on the State Library and Archives' Web page at <http://dlis.dos.state.fl.us/bld/grants/StateAid/StateAid.html>. The guidelines and application packet may also be requested by mail from the Grants Office, State Library and Archives of Florida, R. A. Gray Building, 2nd Floor North, 500 South Bronough Street, Tallahassee, FL 32399-0250; by phone at (850)245-6620 or SUNCOM 205-6620; or by fax at (850)245-6643.

The completed application must be mailed to the address indicated above, postmarked on or before the October 1, 2006 application date.

### 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 (2005), Saxon Motorcycle Company intends to allow the establishment of JZ Riders Custom Motorcycle Sales and Service, Inc., as a dealership for the sale of Saxon motorcycles at 605 Hickman Circle, Sanford (Seminole County), Florida 32771, on or after August 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of JZ Riders Custom Motorcycles Sales and Service, Inc., are dealer operator(s): Jerome Zebrowsky, 6900 Maryland Avenue, Groveland, Florida 34736; principal investor(s): Jerome Zebrowsky, 6900 Maryland Avenue, Groveland, Florida 34736.

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 US Mail to: David Schwam, Vice President of Sales and Marketing, Saxon Motorcycle Company, 555 West Main Avenue, Casa Grande, Arizona 85222.

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 (2005), notice is given that TMC Acquisitions, d/b/a Titan Motorcycle Company, intends to allow the establishment of Citrus Motorsports, Inc., as a dealership for the sale of Titan motorcycles at 7800 West Lake Highway, Crystal River, (Citrus County), Florida 34429, on or after July 19, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Citrus Motorsports, Inc., are dealer operator(s): Allan Pope, 1308 Southeast 5th Avenue, Crystal River, Florida 34429; principal investor(s): Allan Pope, 1308 Southeast 5th Avenue, Crystal River, Florida 34429.

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 US Mail to: Fred Proctor, Director of Sales, Titan Motorcycle Company, 2222 West Peoria Avenue, Phoenix, Arizona 85029.

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

[The previous publication in Vol. 32, No. 29, July 21, 2006, on page 3403 has been corrected in the third line down to read, "3405" Fowler Street, Fort Myers (Lee County), Florida 33901.]

Pursuant to Section 320.642, Florida Statutes (2005), Hino Motors Sales U.S.A., Inc., intends to allow the establishment of Emsil Enterprises, Inc., d/b/a Tri-County Truck & Equipment, as a dealership for the sale of Hino trucks at 3405 Fowler Street, Fort Myers (Lee County), Florida 33901, on or after July 3, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Emsil Enterprises, Inc., d/b/a Tri-County Truck & Equipment are dealer operator(s): Michael Friscaro, 9700 Northwest First Manor, Coral Springs, Florida 33071; principal investor(s): Michael Silveri, 2930 Northeast 23rd Street, Pompano Beach, Florida 33062, and Michael Friscaro, 9700 Northwest First Manor, Coral Springs, Florida 33071.

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 US Mail to: Hiroji Kurayama, President, Hino Motors Sales U.S.A., Inc., 2555 Telegraph Road, Bloomfield Hills, Michigan 48302.

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 WITHDRAWAL – Notice is hereby given that the publication for Big Dog Marine Service Center as a new point for a Hyosung franchise dealership in Duval County by

United Motors of America, published in Vol. 32, No. 30, page 3564 of the Florida Administrative Weekly on July 28, 2006, has been withdrawn.

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NOTICE OF WITHDRAWAL – Notice is hereby given that the publication of Andrew J. Biggar, d/b/a Orange City Cycle, as a new point for a Hyosung franchise dealership in Volusia County by United Motors of America, published in Vol. 32, No. 30, page 3562 of the Florida Administrative Weekly on July 28, 2006, has been withdrawn.

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NOTICE OF WITHDRAWAL – Notice is hereby given that the publication Ace Cycles, Inc., as a new point for a Hyosung franchise dealership in Lee County by United Motors of America, published in Vol. 32, No. 31, page 3681 of the Florida Administrative Weekly on August 4, 2006, has been withdrawn.

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NOTICE OF WITHDRAWAL – Notice is hereby given that the publication for Grandpa’s Cycle Center, Inc., as a new point for a Hyosung franchise dealership in Lee County by United Motors of America, published in Vol. 32, No. 30, page 3564 of the Florida Administrative Weekly on July 28, 2006, has been withdrawn.

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NOTICE OF WITHDRAWAL – Notice is hereby given that the publication for Gulf Coast Motorcycles, LLC, as a new point for a Hyosung franchise dealership in Lee County by United Motors of America, published in Vol. 32, No. 31, page 3681 of the Florida Administrative Weekly on August 4, 2006, has been withdrawn.

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NOTICE OF WITHDRAWAL – Notice is hereby given that the publication for Ray’s Sunshine Cycles, Inc., as a new point for a Hyosung franchise dealership in Polk County by United Motors of America, published in Vol. 32, No. 30, page 3565 of the Florida Administrative Weekly on July 28, 2006, has been withdrawn.

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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 (2005), Zongshen, Inc., intends to allow the establishment of Aztec Scooter Company as a dealership for the sale of Zongshen motorcycles at 132 West Park Avenue, #7, Edgewater (Volusia County), Florida 32132, on or after August 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Aztec Scooter Company are dealer operator(s): Manuel Cacdac, 132 West Park Avenue, #7, Edgewater, Florida 32132; principal investor(s): Manuel Cacdac, 132 West Park Avenue, #7, Edgewater, Florida 32132.

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 US Mail to: Cavan Chan, Authorized Representative, Zongshen, Inc., 3511 Northwest 113th Court, Doral, Florida 33178.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

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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 (2005), notice is given that Hitong Motors Corporation intends to allow the establishment of Michael's Auto Group as a

dealership for the sale of Kaitong motorcycles at 3360 U.S. 1 South, St. Augustine, (St. Johns County), Florida 33086, on or after July 28, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Michael’s Auto Group are dealer operator(s): Dennis Jones, 3360 U.S. 1 South, St. Augustine, Florida 33013; principal investor(s): Dennis Jones, 39 Frenora Lane, Palm Coast, Florida 32137.

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 US Mail to: Hong Wang, President, Hitong Motors Corporation, 16507 Northwest 8th Avenue, Miami, Florida 33169.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant’s compliance with the provisions of Chapter 320, Florida Statutes.

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

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

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**NOTICE OF LITIGATION**

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on August 4, 2006, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- CON# INITIAL DECISION, PROJECT, CTY, APPLICANT, PARTY REQUEST HEARING (PRH)
- 9686 Void, establish a 12 bed freestanding inpatient hospice facility, Volusia County, Halifax Hospice, Inc. d/b/a Hospice of Volusia – Flagler, (PRH) same as applicant
  - 9912 Denial, establish an 80 bed acute care hospital, Pasco County, Florida Hospital Wesley Chapel, Inc., (PRH) same as applicant
  - 9912 Supports denial, establish an 80 bed acute care hospital, Pasco County, Florida Hospital Wesley Chapel, Inc., (PRH) University Community Hospital
  - 9913 Denial, establish a 68 bed acute care hospital, Pasco County, University Community Hospital, Inc., (PRH) same as applicant
  - 9914 Denial, establish an 80 bed acute care hospital, Pasco County, Baycare of Southeast Pasco, Inc., (PRH) same as applicant
  - 9914 Supports denial, establish an 80 bed acute care hospital, Pasco County, Baycare of Southeast Pasco, Inc., (PRH) University Community Hospital, Inc.
  - 9915 Denial, establish a 5 bed Level II neonatal intensive care unit, Orange County, The Nemours Foundation, (PRH) same as applicant
  - 9916 Denial, establish an 8 bed Level III neonatal intensive care unit, Orange County, The Nemours Foundation, (PRH) same as applicant

- 9917 Denial, establish an 82 acute bed Class II Children’s Hospital, Orange County, The Nemours Foundation, (PRH) same as applicant
- 9918 Denial, establish a 60 bed acute care hospital, Osceola County, Osceola Regional Hospital, Inc. d/b/a Osceola Regional Medical Center, (PRH) same as applicant
- 9920 Denial, establish a Class 1 hospital with 144 acute care beds, Broward County, North Broward Hospital District, (PRH) same as applicant
- 9921 Denial, establish a 90 bed acute care satellite hospital, Miami-Dade County, Mount Sinai Medical Center of Florida, Inc., (PRH) same as applicant

The Agency for Health Care Administration has received an application for services exemption from Pasco Regional Medical Center, 13100 Fort King Road, Dade City, Florida, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.207, Florida Administrative Code. The service category requested is Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Donna Sharp, 2727 Mahan Drive, MS #31, Tallahassee, Florida 32308, by phone at (850)414-0360 or e-mail sharpd@ahca.myflorida.com.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY**

**FLORIDA CATEGORICAL EXCLUSION NOTIFICATION  
CITY OF SOUTH DAYTONA, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed City of South Daytona’s stormwater facilities will not have a significant adverse affect on the environment. The proposed project consists of stormwater drainage improvements for the Palm Grove service area. The proposed project construction cost is estimated at \$1,800,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: James W. Plexico,

Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**NOTICE OF AVAILABILITY**

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
VOLUSIA COUNTY, FLORIDA**

**WASTEWATER TREATMENT AND REUSE FACILITIES**

The Florida Department of Environmental Protection has determined that the proposed Volusia County wastewater facilities will not have a significant adverse affect on the environment. The proposed facilities consist of upgrading and expanding the Southwest Regional Water Reclamation Facility from 1.2 MGD to 2.7 MGD, including modifications to the reclaimed water pumping station and expansion of the reclaimed water distribution system. The total construction cost of these facilities is estimated at \$16,841,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Pankaj Shah, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**NOTICE OF AVAILABILITY**

**FLORIDA FINDING OF NO SIGNIFICANT IMPACT  
FRUITLAND PARK, FLORIDA**

**WASTEWATER TREATMENT AND TRANSMISSION  
FACILITIES**

The Florida Department of Environmental Protection has determined that the proposed City of Fruitland Park wastewater facilities will not have a significant adverse affect on the environment. The proposed project consists of a 250,000 gpd expansion to the wastewater treatment facility and construction of two force mains to serve the City’s south service area. The potential amount of the loan for the proposed facilities is \$2,250,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Bob Ballard, P.E., Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**DEPARTMENT OF HEALTH**

On August 3, 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 Christine Mary Blum, L.P.N. license number RN 1227671. 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 August 7, 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 Teresa Marie Berg-Olsen, R.N. license number RN 9198077. 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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The Department of Health, Division of Environmental Health, Bureau of Water Programs hereby gives notice that it has received a petition, filed on July 17, 2006, from the National Swimming Pool Foundation, Inc. seeking a variance of Rule 64E-9.018, F.A.C., establishing requirements with respect to public pool service technician certification courses. Comments

on this petition should be filed with the Bureau of Water Programs, 4052 Bald Cypress Way, Bin C-22, Tallahassee, Florida 32399.

For a copy of the petition, contact: Bob Vincent, Department of Health, Bureau of Water Programs, HSEW, 4042 Bald Cypress Way, Bin # C-22, Tallahassee, FL 32399-1742.

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**FISH AND WILDLIFE CONSERVATION  
COMMISSION****AVAILABILITY OF GRANT FUNDS FOR LOCAL  
GOVERNMENTS**

The Florida Fish and Wildlife Conservation Commission (FWC) announces the availability of \$200,000 in grant funding under the Florida Boating Improvement Program (FBIP) for boater education projects. Projects eligible for funding must increase public knowledge of boating issues by generating materials for distribution, educational programs, or displays. Funding is available for current fiscal year only; therefore, projects must be completed and invoiced by June 10, 2007.

Eligible applicants include county governments, municipalities and other governmental entities of the State of Florida. Applications will be accepted beginning August 18, 2006, and must be received before close of business on October 20, 2006. Applications received after the deadline will be ineligible for consideration.

A copy of the Application along with the Policies and Guidelines may be downloaded from the web site <http://MyFWC.com/boating/grants/fbip.htm>.

For more information, email [FBIP@MyFWC.com](mailto:FBIP@MyFWC.com) or call (850) 488-5600.

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**FINANCIAL SERVICE COMMISSION**

**NOTICE OF FILINGS**

Office of Financial Regulation

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 8, 2006):

**APPLICATION AND PLAN FOR THE PURCHASE OF CERTAIN ASSETS AND ASSUMPTION OF CERTAIN LIABILITIES**

Acquiring Entity: Sun American Bank, 1200 North Federal Highway, Boca Raton, Florida

Selling Entity: Beach Bank, Miami Beach, Florida

Received: August 3, 2006

**APPLICATION FOR A NEW FINANCIAL INSTITUTION**

Applicant and Proposed Location: Private Bank & Trust, 355 Alhambra Circle, Suite 900, Coral Gables, Miami-Dade, Florida 33134

Correspondent: George Bassett, 90 S.W. 8th Street, Suite 201, Miami, Florida 33130 and John Kline, P. O. Box 418, Decatur, Georgia 30031

Received: August 7, 2006

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**Section XIII**  
**Index to Rules Filed During Preceding Week**

DURING PRECEDING WEEK  
 RULES FILED BETWEEN July 31, 2006  
 and August 4, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF CITRUS**

20-65.002	8/2/06	8/22/06	32/23	
20-65.004	8/2/06	8/22/06	32/23	
20-65.005	8/2/06	8/22/06	32/23	

**DEPARTMENT OF CORRECTIONS**

33-103.007	8/1/06	8/21/06	32/26	
33-103.016	8/1/06	8/21/06	32/26	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Hotels and Restaurants**

61C-5.007	8/1/06	8/21/06	32/21	
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**DEPARTMENT OF HEALTH**

**Board of Medicine**

64B8-9.0091	8/2/06	8/22/06	32/25	
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**FISH AND WILDLIFE CONSERVATION COMMISSION**

**Freshwater Fish and Wildlife**

68A-9.007	8/2/06	8/22/06	32/18	
68A-15.065	8/2/06	8/22/06	32/18	