

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Aquaculture

RULE CHAPTER TITLE: Comprehensive Shellfish Control Code
 RULE CHAPTER NO.: 5L-1

RULE TITLE: Shellfish Harvesting Area Standards
 RULE NO.: 5L-1.003

PURPOSE AND EFFECT: This amendment proposes to reclassify the East Bay shellfish harvesting area in Bay and Gulf County. A sanitary survey has been conducted that evaluated current information on pollution sources and bacteriological water quality, and recommends reclassification of the East Bay shellfish harvesting area.

SUBJECT AREA TO BE ADDRESSED: The proposed reclassification and management of the East Bay shellfish harvesting area for shellfish harvesting is in accordance with Rule 5L-1.003, F.A.C. to protect the health of shellfish consumers and to provide access to renewable shellfish resources.

SPECIFIC AUTHORITY: 597.020 FS.

LAW IMPLEMENTED: 597.020 FS.

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

TIME AND DATE: 5:00 p.m. – 6:00 p.m., Monday, February 6, 2006

PLACE: Department of Agriculture and Consumer Services, Division of Aquaculture, 4408 Delwood Lane, Panama City Beach, Florida

PURPOSE: For the proposed reclassification of the East Bay Shellfish Harvesting Area.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Chris Brooks, Division of Aquaculture, 1203 Governor’s Square Boulevard, 5th Floor, Tallahassee, Florida 32301, (850)488-4033

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

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

SUBJECT AREA TO BE ADDRESSED: Medicaid Providers Who Bill on the CMS-1500.

SPECIFIC AUTHORITY: 409.919 FS.

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

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 1:00 p.m., Tuesday, February 7, 2006

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: Karen Girard, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a paper CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006 ~~October 2003~~, which is incorporated by reference and available from the fiscal agent.

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

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

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

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

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

SUBJECT AREA TO BE ADDRESSED: Ambulance Transportation Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.907, 409.908, 409.9081 FS.

IF REQUESTED WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 2:00 p.m., Monday, February 6, 2006

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 AND A COPY OF THE PRELIMINARY DRAFT IS: Glen Davis, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7305

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.015 Ambulance Transportation Services.

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

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

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

59G-4.330 Transportation Services.

(1) through (2) No change.

~~(3) All ambulance transportation providers enrolled in the Medicaid program must comply with the provisions of the Florida Medicaid Ambulance Transportation Services Coverage, Limitations and Reimbursement Handbook, July 2005, incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A paper copy of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.~~

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Ambulatory Surgical Center Services
 RULE NO.: 59G-4.020

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate by reference update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook. The handbook update contains the 2006 procedure codes and payment groups. The effect will be to incorporate in the rule update January 2006 to the Florida Medicaid Ambulatory Surgical Center Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Ambulatory Surgical Center Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW.

TIME AND DATE: 10:00 a.m., Monday, February 6, 2006
 PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room B, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Melissa Vergeson, Bureau of Medicaid Services, 2727 Mahan Drive, MS #20, Tallahassee, Florida 32308, (850)922-7724

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.020 Ambulatory Surgical Center Services.

(1) No change.

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

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History—New 10-25-84, Formerly 10C-7.531, Amended 5-13-92, 7-12-92, 7-27-93, Formerly 10C-7.0531, Amended 9-8-94, 7-3-95, 11-18-97, 10-27-98, 1-1-01, 7-26-01, 2-25-03, 2-17-04, 1-10-05, 10-2-05, _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Nursing Facility Services

RULE NO.: 59G-4.200

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference an erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook. The erratum allows physicians to delegate all nursing facility patient visits to a physician assistant, nurse practitioner, or clinical nurse specialist. Prior policy required the physician to personally make every other visit. This change was made to bring Medicaid policy in compliance with Medicare policy. The effect will be to incorporate by reference in the rule the erratum to July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the erratum to the July 2004 update to the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook.

SUBJECT AREA TO BE ADDRESSED: Nursing Facility Services.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: Chapter 400 Part II, 409.902, 409.905, 409.908 FS.

IF REQUESTED IN WRITING WITHIN 14 DAYS BY AN AFFECTED PERSON AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:00 p.m., Monday, February 6, 2006
 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 AND A COPY OF THE PRELIMINARY DRAFT IS: Alisha Bradley-Nelson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.200 Nursing Facility Services.

(1) No change.

(2) All participating nursing facility providers must comply with the provisions of the Florida Medicaid Nursing Facility Services Coverage and Limitations Handbook, October 2003, updated July 2004, erratum to the July 2004 update, and the corresponding Florida Medicaid Provider Reimbursement Handbook, Institutional 021, October 2003, which are incorporated by reference. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented Chapter 400 Part II, 409.902, 409.905, 409.908 FS. History—New 1-1-77, Amended 6-13-77, 10-1-77, 1-1-78, 2-1-78, 12-28-78, 2-14-80, 4-5-83, 1-1-84, 8-29-84, 9-1-84, 9-5-84, 7-1-85, Formerly 10C-7.48, Amended 8-19-86, 6-1-89, 7-2-90, 6-4-92, 8-5-92, 11-2-92, 7-20-93, Formerly 10C-7.048, Amended 11-28-95, 5-9-99, 10-15-00, 10-4-01, 2-10-04, 9-28-04, 8-31-05, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE TITLE: Schedule of Fees Adopted by the Board

RULE NO.: 61G16-3.001

PURPOSE AND EFFECT: The Board proposes the amendment to the rule to update the fees adopted by the Board.
 SUBJECT AREA TO BE ADDRESSED: Schedule of fees adopted by the Board.

SPECIFIC AUTHORITY: 455.213(2), 455.217, 455.219, 455.271, 492.104 FS.

LAW IMPLEMENTED: 455.213(2), 455.217, 455.219, 455.271, 492.105, 492.106, 492.1101, 492.111 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John Knap, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

List of Approved Forms; Incorporation 64B8-1.007

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to incorporate the revised licensure application into the rule.

SUBJECT AREA TO BE ADDRESSED: Revised form for incorporation by reference.

SPECIFIC AUTHORITY: 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS.

LAW IMPLEMENTED: 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-1.007 List of Approved Forms; Incorporation.

The following forms used by the Board in its dealings with the public are listed as follows and are hereby adopted and incorporated by reference, and can be obtained from the Board office by writing to the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-1753, or by telephoning (850)245-4131:

(1) DH-MQA 1000, entitled “Board of Medicine Medical Doctor Application for Licensure,” (1/06) ~~(10/03)~~.

(2) through (31) No change.

Specific Authority 120.55(1)(a),(4), 456.013, 456.036(5), 456.048(1), 458.309, 458.311, 458.3124(6), 458.313(4), 458.3145, 458.315(2), 458.320(8), 458.321(2), 458.347(13), 458.3475, 458.351(6) FS. Law Implemented 456.013, 456.035, 456.036, 456.048, 456.073, 458.309, 458.311, 458.3124, 458.313, 458.3145, 458.315, 458.316, 458.317, 458.319, 458.320, 458.321, 458.345, 458.347, 458.3475, 458.348, 458.351, 465.0276 FS. History–New 4-17-01, Amended 11-20-01, 8-13-02, 11-10-02, 3-19-03, 6-4-03, 11-17-03, 4-19-04, 1-31-05, 9-29-05, _____.

DEPARTMENT OF HEALTH

Board of Medicine

RULE TITLE: RULE NO.:

Standards of Practice 64B8-9.007

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify that the “pause” provision of the rule applies not only to the operating surgeon, but also to the anesthesia provider.

SUBJECT AREA TO BE ADDRESSED: Application of the “pause” provision of the rule.

SPECIFIC AUTHORITY: 458.309 FS.

LAW IMPLEMENTED: 458.331(1)(t),(v),(w) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Larry McPherson, Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: RULE NO.:

Disciplinary Guidelines 64B12-8.020

PURPOSE AND EFFECT: The Board proposes amending language within the disciplinary guidelines.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Standards for Continuing Professional Education
 RULE NO.: 64B12-15.003

PURPOSE AND EFFECT: The Board proposes amending the rule to delete language regarding contact lens theory continuing education courses and add language regarding classroom disruptions by personal communication devices.

SUBJECT AREA TO BE ADDRESSED: Contact lens theory continuing education courses and personal communication devices in classroom settings.

SPECIFIC AUTHORITY: 456.013(7), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6), (7), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE TITLE: Apprenticeship Requirements and Training Program
 RULE NO.: 64B12-16.003

PURPOSE AND EFFECT: The Board proposes amending the rule to add language to require Apprentice/Sponsor Orientation Course hours.

SUBJECT AREA TO BE ADDRESSED: Apprentice/Sponsor Orientation Course hours.

SPECIFIC AUTHORITY: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Orthotists and Prosthetists

RULE TITLES: Special Assessment Fee
 RULE NOS.: 64B14-2.013
 Retired Status Fee 64B14-2.014

PURPOSE AND EFFECT: In Rule 64B14-2.013, F.A.C., the Board proposes to eliminate a cash deficit. In Rule 64B14-2.014, F.A.C., the Board proposes to implement the 2005 amendments to Section 456.036(4), F.S.

SUBJECT AREA TO BE ADDRESSED: Special Assessment Fee and Retired Status Fee.

SPECIFIC AUTHORITY: 456.025(5), 456.036, 468.802 FS.

LAW IMPLEMENTED: 456.025(5), 456.036 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-2.013 Special Assessment Fee.

In an effort to eliminate the current cash deficit of the Board of Orthotists and Prosthetists, each active status licensee and each inactive status licensee shall pay a special one time assessment fee of \$300.000 to the Department. The fee must be paid to and received by the Department no later than December 31, 2006.

Specific Authority 456.025(5), 468.802 FS. Law Implemented 456.025(5) FS. History—New _____.

(b) Each eligible nursing home, in its entirety, shall be protected by an approved fire sprinkler system by no later than December 31, 2010.

(2) The State Fire Marshal shall, within thirty days of the effective date of this rule, provide written notice to the owner of each eligible nursing home of the requirement for the installation of fire sprinklers pursuant to the schedule provided above. The notice shall include:

(a) The fire sprinkler requirements and the schedule for compliance as listed in this section.

(b) An application for approval of the system and for funding through the State Fire Marshal Nursing Home Loan Guarantee Program.

(3) The Division may grant a maximum of two one-year extensions to the final date of compliance with paragraphs (1)(a) and (b) above, for the hazardous area portion of the retrofitting project, only after establishing that the nursing home has been prevented from complying for reasons beyond its control. Such reasons may include:

(a) A last-minute, unexpected loss of funding for all or a portion of the project that is unrelated to an action by, or the financial standing of, the nursing home.

(b) Unexpected structural issues with the planned retrofitting of the nursing home that have resulted in a need for additional labor, equipment, planning or funding.

(c) Any other reason the owner can establish that are:

1. Unrelated to either delay or inattention on the part of the owner, and

2. Of sufficient import or magnitude that the project cannot feasibly be completed by the applicable deadline.

(4) A request for extension under subsection (3) must:

(a) Be received by the Division prior to the expiration of the deadline in question.

(b) Be accompanied by sufficient information and data to clearly establish the factual basis for the request, and

(c) Also establish the owner's ability to complete the project by the end of the extension period.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New _____.

69A-53.0053 State Fire Marshal Nursing Home Loan Guarantee Program: Application Procedures.

(1) An owner of an eligible nursing home who wishes to participate in the State Fire Marshal Nursing Home Loan Guarantee Program must make application on Form DFS-K3-1659 which is hereby adopted and incorporated herein, and which may be obtained by contacting the Division of State Fire Marshal, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342. The application must be accompanied by the conceptual design documentation for the proposed fire sprinkler system as prepared by or on behalf of a person certified under Section 633.521, F.S.

(2)(a) Upon submission of an application for funding through the Loan Guarantee Program, the State Fire Marshal shall evaluate the proposed fire protection system and determine whether it complies with all applicable fire safety code provisions.

(b) All properly completed applications, which must include acceptable documentation for the conceptual design, for participation in the Nursing Home Loan Guarantee Program must be received by the State Fire Marshal on or before June 30, 2006.

(3) If the proposed fire protection system does not comply with the applicable fire safety code provisions, the Division of State Fire Marshal shall notify the owner in writing of each area of deficiency and the specific code provision governing the deficiency, and shall take no further action until each deficiency has been corrected.

(4) Upon receipt of an application that meets the requirements of this rule chapter and provides for the construction of a fire protection system that complies with the applicable fire safety code provisions, the State Fire Marshal shall issue a conditional approval of the application and shall provide the complete application and conditional approval to the Division of Treasury, which shall proceed in accordance with the provisions of subsections (7) and (8) of Section 633.0245, F.S., as more fully set forth in Rule 69A-53.0054, F.A.C.

(5) If the loan application is approved for funding, the nursing home owner shall provide the State Fire Marshal with a final set of sealed construction plans for the project, which must be approved by the State Fire Marshal prior to initiation of construction. Installation will then be permitted to commence, so long as all applicable building permits for the project have been issued.

(6) During construction of the fire protection system, the State Fire Marshal shall conduct as many on-site inspections as deemed necessary to ensure that the installation of the required fire sprinkler system is in accordance with the approved plans. All required inspections of the installation must be performed by the State Fire Marshal or by an authorized local fire official. Final approval will be granted only when the system has been installed in accordance with Chapter 69A-46, F.A.C.

(7) The installing contractor shall coordinate all required operational testing with the State Fire Marshal.

(8) The State Fire Marshal shall witness a final operational test of the complete fire sprinkler system prior to issuing final approval.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History—New _____.

69A-53.0054 State Fire Marshal Nursing Home Loan Guarantee Program: Eligibility and Coordination of Construction with Loan Requirements.

(1) Upon receipt of a conditionally approved application from the State Fire Marshal, the Division of Treasury will present the application to a lender under contract with the Department of Financial Services to provide loans under the State Fire Marshal Nursing Home Loan Guarantee Program. Approval of an individual loan with an individual nursing home owner is at the discretion of the individual lender.

(2) Upon final approval of the loan by the lender and of the fire protection system by the State Fire Marshal, a limited loan guarantee document will be presented to the lender. The State's limited loan guarantee will provide for a guarantee of no more than 50 percent of the principal sum loaned by the financial institution. The guarantee will not cover late fees, accelerated interest, or other charges assessed as a result of the default of the nursing home owner.

(3) As some installations may be complex and lengthy, a draw program may be required. In such a case, a draw schedule and retainage requirement will be established by the lender.

Specific Authority 633.01(1), 633.022(1), 633.0245(11) FS. Law Implemented 633.022(4), 633.024, 633.0245 FS. History--New _____.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: Florida Comprehensive Assessment Test Requirements

RULE NO.: 6A-1.09422

PURPOSE AND EFFECT: The purpose of this rule amendment is to add the science grade-level scale scores for each achievement level as part of the student achievement testing program known as the Florida Comprehensive Assessment Test (FCAT). The effect will be to permit student academic performance in science to be reported in achievement levels, providing a better understanding of individual student strengths or needs, as well as summaries of performance for use in educational accountability.

SUMMARY: This rule is amended to specify score ranges that define five achievement levels for the science portion of the FCAT for grades 5, 8, and 11.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1008.22(10) FS.

LAW IMPLEMENTED: 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS.

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

TIME AND DATE: 8:30 a.m., February 21, 2006

PLACE: University of Miami, Coral Gables, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dr. Cornelia Orr, Director, Assessment and School Performance, 325 W. Gaines Street, Suite 414, Tallahassee, Florida 32399, (850)245-0513

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09422 Florida Comprehensive Assessment Test Requirements.

(1) through (2) No change.

(3) The FCAT shall be administered as follows:

(a) All eligible students in grades three through ten shall take the reading and mathematics tests. All eligible students in grades four, eight, and ten shall take the writing test. All eligible students in grades five, eight, and ~~eleven~~ ~~ten~~ shall take the science test.

(b) through (e) No change.

(4) No change.

(5) The total scores on FCAT Reading, ~~and~~ Mathematics, and Science, are also reported on an achievement-level scale. The total scores that correspond to each achievement level are shown in the following paragraphs.

(a) Beginning with the effective date of this rule, until changes are recommended by the Commissioner of Education to the State Board of Education, the achievement levels for Reading and Mathematics in the first phase of implementation (step 1) shall be as shown in the following tables.

Reading grade-level scale scores (100 to 500) for each achievement level – step 1:

Grade Level	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-258	259-283	284-331	332-393	394-500
4	100-274	275-298	299-338	339-385	386-500
5	100-255	256-285	286-330	331-383	384-500
6	100-264	265-295	296-338	339-386	387-500
7	100-266	267-299	300-343	344-388	389-500
8	100-270	271-309	310-349	350-393	394-500
9	100-284	285-321	322-353	354-381	382-500
10	100-286	287-326	327-354	355-371	372-500

Reading developmental scale scores (86 to 3008) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	86-1045	1046-1197	1198-1488	1489-1865	1866-2514
4	295-1314	1315-1455	1456-1689	1690-1964	1965-2638
5	474-1341	1342-1509	1510-1761	1762-2058	2059-2713
6	539-1449	1450-1621	1622-1859	1860-2125	2126-2758
7	671-1541	1542-1714	1715-1944	1945-2180	2181-2767
8	886-1695	1696-1881	1882-2072	2073-2281	2282-2790
9	772-1771	1772-1971	1972-2145	2146-2297	2298-2943
10	844-1851	1852-2067	2068-2218	2219-2310	2311-3008

Mathematics grade level scale scores (100 to 500) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-252	253-293	294-345	346-397	398-500
4	100-259	260-297	298-346	347-393	394-500
5	100-287	288-325	326-354	355-394	395-500
6	100-282	283-314	315-353	354-390	391-500
7	100-274	275-305	306-343	344-378	379-500
8	100-279	280-309	310-346	347-370	371-500
9	100-260	261-295	296-331	332-366	367-500
10	100-286	287-314	315-339	340-374	375-500

Mathematics developmental scale scores (375 to 2709) for each achievement level – step 1:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	375-1078	1079-1268	1269-1508	1509-1749	1750-2225
4	581-1276	1277-1443	1444-1657	1658-1862	1863-2330
5	569-1451	1452-1631	1632-1768	1769-1956	1957-2456
6	770-1553	1554-1691	1692-1859	1860-2018	2019-2492
7	958-1660	1661-1785	1786-1938	1939-2079	2080-2572
8	1025-1732	1733-1850	1851-1997	1998-2091	2092-2605
9	1238-1781	1782-1900	1901-2022	2023-2141	2142-2596
10	1068-1831	1832-1946	1947-2049	2050-2192	2193-2709

(b) The Commissioner of Education will review FCAT performance data after each test administration and make a recommendation to the State Board of Education about future implementation of the Reading and Mathematics step 2 achievement levels shown in the following tables.

Reading grade-level scale scores (100 to 500) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-271	272-296	297-344	345-406	407-500
4	100-287	288-311	312-351	352-398	399-500
5	100-268	269-298	299-343	344-396	397-500
6	100-277	278-308	309-351	352-399	400-500
7	100-279	280-312	313-356	357-401	402-500
8	100-283	284-322	323-362	363-406	407-500
9	100-297	298-334	335-366	367-394	395-500
10	100-299	300-339	340-367	368-384	385-500

Reading developmental scale scores (86 to 3008) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	86-1129	1130-1281	1282-1572	1573-1949	1950-2514
4	295-1395	1396-1536	1537-1770	1771-2046	2047-2638
5	474-1419	1420-1587	1588-1839	1840-2135	2136-2713
6	539-1525	1526-1697	1698-1936	1937-2202	2203-2758
7	671-1613	1614-1786	1787-2017	2018-2252	2253-2767
8	886-1761	1762-1947	1948-2137	2138-2347	2348-2790
9	772-1846	1847-2046	2047-2220	2221-2372	2373-2943
10	844-1925	1926-2142	2143-2293	2294-2385	2386-3008

Mathematics scale scores (100 to 500) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	100-265	266-306	307-358	359-410	411-500
4	100-272	273-310	311-359	360-406	407-500
5	100-300	301-338	339-367	368-407	408-500
6	100-295	296-327	328-366	367-403	404-500
7	100-287	288-318	319-356	357-391	392-500
8	100-292	293-322	323-359	360-383	384-500
9	100-273	274-308	309-344	345-379	380-500
10	100-299	300-327	328-352	353-387	388-500

Mathematics developmental scale scores (375 to 2709) for each achievement level – step 2:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
3	375-1142	1143-1331	1332-1572	1573-1812	1813-2225
4	581-1337	1338-1503	1504-1717	1718-1923	1924-2330
5	569-1516	1517-1696	1697-1833	1834-2021	2022-2456
6	770-1613	1614-1750	1751-1918	1919-2078	2079-2492
7	958-1715	1716-1840	1841-1994	1995-2135	2136-2572
8	1025-1786	1787-1905	1906-2051	2052-2146	2147-2605
9	1238-1828	1829-1947	1948-2069	2070-2188	2189-2596
10	1068-1888	1889-2003	2004-2105	2106-2249	2250-2709

(c) Beginning with the effective date of this rule, the achievement levels for Science shall be as shown in the following table.

Science grade-level scale scores (100 to 500) for each achievement level:

Grade	Level 1	Level 2	Level 3	Level 4	Level 5
5	<u>100-272</u>	<u>273-322</u>	<u>323-376</u>	<u>377-416</u>	<u>417-500</u>
8	<u>100-269</u>	<u>270-324</u>	<u>325-386</u>	<u>387-431</u>	<u>432-500</u>
11	<u>100-278</u>	<u>279-323</u>	<u>324-379</u>	<u>380-424</u>	<u>425-500</u>

Specific Authority 1001.02, 1008.22 FS. Law Implemented 1001.02, 1001.11, 1008.22, 1008.25, 1008.33 FS. History—New 1-24-99, Amended 10-7-01, 1-22-02, 12-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Cornelia Orr, Director, Assessment and School Performance

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hanna Skandera, Deputy Commissioner for Accountability, Research, and Measurement

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE TITLE: RULE NO.:

Implementation of Florida's System of 6A-1.09981
 School Improvement and
 Accountability

PURPOSE AND EFFECT: This rule is amended to incorporate science as a seventh component to the school grading system and to amend the points required to receive an A, B, C, D, or F. The effect is a rule which includes science in the school grade calculation for 2006-2007.

SUMMARY: This rule amends the number of points required to earn an A, B, C, D, or F grade to accommodate the inclusion of science as the seventh component.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: 1001.02, 1008.22, 1008.33, 1008.345 FS.

LAW IMPLEMENTED: 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS.

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

TIME AND DATE: 8:30 a.m., February 21, 2006

PLACE: University of Miami, Coral Gables, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Christy Hovanetz-Lassila, Director, Evaluation and Reporting, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.09981 Implementation of Florida's System of School Improvement and Accountability.

(1) through (2) No change.

(3) Reporting Student Achievement Data for School Accountability. Student achievement data shall be reported for all students in a school as specified by Section 1008.22, Florida Statutes. Each year reports of achievement data for all students shall be prepared for each school, the district, and the state. For the purpose of assigning school performance grades, each school's aggregate achievement data shall be based on:

(a) The scores of all students enrolled in standard curriculum courses including the scores of students who are speech impaired, gifted, hospital homebound, and Limited English Proficient (LEP) students who have been in an English for Speakers of Other Languages (ESOL) program for more than two (2) years.

(b) All students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year are included in paragraphs (6)(e), (f), and (g), regarding the determination of student learning gains, of this rule. In addition, the inclusion of these students will be applied to subparagraph (1)(a)4., regarding the percent tested.

~~(c)~~(b) In addition, only the scores of those students who are enrolled in the second period and the third period full-time equivalent student membership survey as specified in Rule 6A-1.0451, F.A.C., shall be included.

~~(d)~~(e) The Commissioner is authorized to designate a single school performance grade for schools that serve multiple levels: elementary and/or middle and/or high school grade levels.

~~(e)~~(d) The Commissioner will issue guidelines regarding which school types shall receive school performance grades. The accountability contact person, as specified in subsection (9) of this rule, is responsible for verifying that each school is appropriately classified by type before the issuance of school grades. The Commissioner shall periodically review the criteria for including students in the calculation of School Performance Grades, including students in alternative and Department of Juvenile Justice facilities.

(4) No change.

(5) Criteria for Designating School Performance Grades. School performance grades shall be designated in the summer of each year and shall be based on a combination of the following three components, as specified in Section 1008.34(3), Florida Statutes:

(a) Student achievement scores, aggregated for each school, which indicate the percent of eligible students who score at or above FCAT Achievement Level 3 in reading and math and the percent of students who score "3.5" "3" or higher averaged with the percent who score "3.5" or higher on the FCAT writing assessment;

(b) through (c) No change.

(6) Procedures for Calculating School Performance Grades. The overall Performance Grade of A, B, C, D or F for school years 2001-2002 and thereafter, as designated in Section 1008.34(2), Florida Statutes, shall be based on the sum of the following six (6) school grade point elements:

(a) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in reading;

(b) One (1) point for each percent of students who score at or above FCAT Achievement Level 3 in mathematics;

(c) One (1) point for each percent of students who score "3.5" "3" or higher averaged with the percent who score "3.5" or higher on the FCAT writing assessment;

(d) through (f) No change.

(7) School Performance Grading Scale. The School Performance Grade shall be based on the sum of the six (6) grade point elements as defined in paragraphs (6)(a) through

(f) of this rule and shall be scaled to reflect school performance, learning gains and improvement of the lowest twenty-five (25) percent beginning with the 2001-2002 school year, as required by Section 1008.34(1), Florida Statutes. In addition to the requirements in subsection (5) of this rule for minimum percent of students tested, the following scale shall be applied:

- (a) At least ~~455~~ 440 school grade points shall be required for a School Performance Grade of A.
- (b) At least ~~425~~ 380 school grade points shall be required for a School Performance Grade of B.
- (c) At least ~~365~~ 320 school grade points shall be required for a School Performance Grade of C.
- (d) At least ~~325~~ 280 school grade points shall be required for a School Performance Grade of D.

(e) If a school accumulates fewer than 280 school grade points, it shall be assigned a School Performance Grade of F.

(8) Planned System Enhancements. As indicated in this subsection, planned enhancements will occur in Florida's System of School Improvement and Accountability. The Commissioner of Education will periodically recommend additional changes to the system to the State Board of Education as necessary to ensure that continuous improvements are made in the educational programs of the state.

(a) The points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "~~4.0~~" "~~3.5~~" or higher on the FCAT writing assessment for School Performance Grades determined in 2006-07 and beyond ~~2004-05 and 2005-06. For the School Performance Grades determined in 2006-07 and beyond, the points earned for writing defined in paragraph (6)(c) of this rule will be based on the percent of students who score "4" or higher on the FCAT writing assessment.~~

~~(b) Beginning with the performance grades to be issued in 2004-05, the students eligible to be included in the system, described in paragraph (3)(a) of this rule, will be expanded to include all students, regardless of disability or limited English proficiency classification, with valid FCAT assessment scores in reading in both the current year and the previous year. Inclusion of these students will be applied to paragraph (1)(a)4., regarding the percent tested, and to paragraphs (6)(d), (e) and (f), regarding the determination of student learning gains, of this rule.~~

~~(b)(e)~~ Science will be added as an additional category of performance beginning in 2006-07. For this category of achievement, schools will earn one (1) point for each percent of students who score at or above Achievement Level 3, proficient, as will be recommended by committees of educators and approved by the State Board of Education during 2005-06.

(9) through (15) No change.

Specific Authority 1001.02, 1008.22, 1008.33, 1008.345 FS. Law Implemented 1000.03, 1001.42, 1003.63, 1008.33, 1008.34, 1008.345, 1008.36 FS. History--New 10-11-93, Amended 12-19-95, 3-3-97, 1-24-99, 2-2-00, 2-11-02, 12-23-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dr. Christy Hovanetz-Lassila, Director, Evaluation and Reporting
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hanna Skandera, Deputy Commissioner for Accountability, Research, and Measurement
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 9, 2005

DEPARTMENT OF EDUCATION

Education Practices Commission

RULE TITLE: Instructional Personnel Assessment Systems
 RULE NO.: 6B-4.010

PURPOSE AND EFFECT: This rule is amended to bring the rule into compliance with statutory references from school code revisions of 2002, which included requirements for assessment systems to allow for compensation based upon performance.

SUMMARY: This rule sets forth the requirements and implementation of the approval process for district instructional personnel assessment systems as prescribed by Section 1012.34, F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None.

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

SPECIFIC AUTHORITY: Section 1012.34 FS.

LAW IMPLEMENTED: Sections 1012.34, 1012.22 FS.

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

TIME AND DATE: 8:30 a.m., February 21, 2006

PLACE: University of Miami, Coral Gables, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Stewart, Deputy Chancellor, K-12 Public Schools, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6B-4.010 Instructional Personnel Assessment Systems.

(1) Submission Process.

(a) By April 3, 2006, and every second Monday in January thereafter ~~Each school district shall submit its the~~ instructional personnel assessment system to ~~the Division of Professional Educators~~ of the Department for approval pursuant to Section 1012.34, 231.29, Florida Statutes.

(b) Each submission shall include documentation to substantiate that the school district has met the requirements and conditions for approval of for instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and this rule have been met.

(c) The assessment system shall be reviewed by the Department for inclusion of the following:

1. Criteria for annually evaluating the professional performance of all instructional personnel primarily on the basis of learning gains made by students assigned to their classroom pursuant to Section 1012.34(3), Florida Statutes, and Assessment criteria that include, at a minimum, indicators that relate to the areas of competence specified in Section 231.29(3)(a), Florida Statutes.

2. Additional criteria for annually evaluating the professional performance of all instructional personnel listed in Section 1012.34, Florida Statutes, and the Florida Educator Accomplished Practices as prescribed in Rule 6A-5.065, FAC., in a manner consistent with subsection (4) of this rule.

~~3.2.~~ A statement of district procedures describing reflecting methods and criteria used annually to designate, document, and differentiate unsatisfactory, satisfactory, and outstanding performance levels and all calculations used to assess instructional personnel, the results of which must:-

a. Differentiate or comparatively rank the performance of all instructional personnel in the district as calculated primarily based on student learning gains in accordance with the criteria listed in subsection (4) of this rule, which performance assessment is to be determinative of a portion of each individual's regular salary compensation as provided in Section 1012.22, Florida Statutes, and

b. Designate outstanding performers in accordance with requirements listed in subsection (4) of this rule.

~~4.3.~~ Copies of assessment data collection procedures, instruments, and forms.

~~5.4.~~ A statement of the use of assessment data for instructional personnel contract decisions.

6. A professional Education Competence Demonstration System pursuant to Section 1012.56(7), Florida Statutes, based primarily on the Educator Accomplished Practices to allow beginning teachers to meet certification requirements.

(2) ~~Initial~~ Review Process. The Department of Education shall review and evaluate the performance assessment systems for compliance with the requirements and conditions of Section 1012.34, 231.29, Florida Statutes, and shall prepare and send to each school district a written notice that identifies those any specific deficiencies of the system. Upon request from a school district, the Department shall provide assistance to the district for the purpose of bringing the system into compliance as quickly as possible.

(3) Approval Process. The Department of Education shall send written notification to the school district superintendent of the status of the school district's instructional personnel assessment system. The status designation shall be as follows:

(a) Approved. An instructional personnel assessment system shall be designated approved if all requirements and conditions for instructional personnel assessment systems are met pursuant to Section 1012.34 231.29, Florida Statutes, and the provisions of this rule are met.

(b) Conditionally Approved. An instructional personnel assessment system shall be designated conditionally approved if the school district's assessment system fails to satisfy one or more of the requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and the provisions of this rule. The school district's system designated as conditionally approved shall be revised so that it is in full compliance with all requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34, 231.29, Florida Statutes, and the provisions of this rule within the time period specified by the Department, and resubmitted to the Department for review and approval.

(c) Disapproved. A school district's system designated as conditionally approved shall be designated as disapproved if the requirements and conditions for instructional personnel assessment systems pursuant to Section 1012.34 231.29, Florida Statutes, and the provisions of this rule are not met within the time period specified by the Department in the written notice grating the conditionally approved status of the system.

(d) Assessment systems submitted for approval for the 2007-2008 school year and after must be compliant with all provisions of this rule. Assessment systems submitted for approval for the 2006-2007 school year must be compliant with all provisions, except those criteria described in paragraph (4)(b) of this rule.

(4) Criteria for Evaluating Professional Performance. The annual assessment procedures adopted by a school district shall allow it annually to differentiate or comparatively rank the performance of each individual for the purposes of assessment and compensation. The criteria for evaluating professional performance shall be as follows:

(a) For individual evaluation of instructional personnel teaching state assessed subjects as described in Section 1008.22, Florida Statutes:

1. Professional performance must be measured on the basis of performance gains on the state assessment by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Instructional personnel, without needing to apply or take any additional action, shall be identified as having demonstrated outstanding performance if, based on their students' performance improvements on the statewide assessment, a teacher is determined by the Department to rank in the top 10 percent of elementary, middle, or high school instructional personnel statewide. The Department annually shall provide statewide results of individual performance to local school districts no later than thirty (30) days after the school grades are released. A district may designate as outstanding additional instructional personnel if the designation is based upon student performance criteria and no application or other documentation is required to qualify.

(b) For evaluation of individual instructional personnel that do not teach state assessed subjects:

1. Professional performance must be measured on the basis of improved performance on local assessments by students assigned to the individual's classroom, except that a district may determine unsatisfactory performance for an individual who is subject to discipline based upon additional criteria listed in Section 1012.34, Florida Statutes, and the Educator Accomplished Practices.

2. Each district's assessment of instructional personnel performance shall be based upon reliable external measures of student learning gains or achievement, including, but not limited to:

a. Standardized exams such as advanced placement, International Baccalaureate, and others;

b. Industry certification exams;

c. Exams that have been developed by the district, a consortium of districts, or a professional organization that meet the psychometric standards of reliability and validity and are administered by external evaluators; or

d. Other measures of performance, excluding teacher-assigned grades or classroom-level tests shall not be used to determine outstanding performance. Portfolios may only be used to determine outstanding performance for teachers of special education students.

3. The professional performance assessment results shall be calculated in a manner sufficient to allow the district both to comparatively rank instructional personnel in paragraph (4)(b) of this rule both for the purpose of determining the performance pay component of their regular salary compensation and the purpose of identifying the top 10 percent of elementary, middle, and high school instructional personnel district-wide as having demonstrated outstanding performance.

(5)(4) Modifications to an Instructional Personnel Assessment System. If a school board makes substantive modifications to an approved school district instructional personnel assessment system, the modified system shall be submitted to the Department of Education for review and approval pursuant to this rule.

Specific Authority 1001.02, 1012.34 229-053, 231-29 FS. Law Implemented 1012.22(1)(c), 1012.34 230.23(5)(e), 231-29 FS. History—New 6-19-01, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kathy Hebda, Department of Education, Division of K-12 Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pam Stewart, Deputy Chancellor Educator Quality, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

STATE BOARD OF ADMINISTRATION

Florida Prepaid College Board

RULE TITLE: Qualified Individuals

RULE NO.: 19B-8.001

PURPOSE AND EFFECT: To change the rule requirement for substitution of beneficiaries in the Florida Prepaid College program to allow a change of beneficiary after a portion of the account benefits have been utilized by another qualified beneficiary.

SUMMARY: This rule change is being made to change the requirements for substitution of beneficiaries in the Prepaid College Program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None prepared.

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

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

LAW IMPLEMENTED: 1009.98(4) FS.

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

TIME AND DATE: 2:00 p.m., February 13, 2006

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-8.001 Qualified Individuals.

Except when an advance ~~payment purchase~~ contract is established by a purchaser functioning in a custodial capacity, a purchaser may change the qualified beneficiary to any member of the family of the then-current qualified beneficiary, at any time, by submitting a written, notarized request signed by the purchaser directing the Board to change the qualified beneficiary for the contract. "Member of the family" means the same as that term is defined in s. 529 of the Internal Revenue Code. The substitute beneficiary must meet the residency requirement of a qualified beneficiary at the time of substitution. The contract purchaser will be required to sign and notarize any request to substitute beneficiaries on an advance payment contract. ~~The substitution must be made prior to the qualified beneficiary using benefits at a postsecondary institution.~~

Specific Authority 1009.971(1),(4),(6) FS. Law Implemented 1009.98(4) FS. History--New 3-29-89, Formerly 4G-8.001, Amended 12-5-93, 6-20-96, 8-18-97, 12-16-97, 3-24-99, 2-8-00, 10-9-01, 12-28-03,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 8, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION
Division of Health Quality Assurance

RULE TITLES: Spontaneous Fetal Demise
PURPOSE AND EFFECT: The Agency proposes to adopt Rule 59A-3.281, F.A.C., consistent with provisions of Section 383.33625, F.S. The statute provides for adoption of rules to develop forms to be used by health care facilities to be used for notifications and elections by patients.

SUMMARY: The proposed rule establishes procedures and a form to be used by health care facilities to provide notification to a mother of the options available for the disposition of fetal remains in the event of a spontaneous fetal demise occurring after a gestation period of less than 20 completed weeks.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: None 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: 383.33625(6) FS.
LAW IMPLEMENTED: 383.33625(6) FS.

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

TIME AND DATE: 10:00 a.m., February 10, 2006
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, FL 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Bill McCort, Bureau of Health Facility Regulation, 2727 Mahan Drive, Tallahassee, Florida, (850)487-0641

THE FULL TEXT OF THE PROPOSED RULE IS:

59A-3.281 Spontaneous Fetal Demise.

When a spontaneous fetal demise occurs after a gestation of less than 20 completed weeks, the health care facility identified in Section 383.33625(4), F.S., shall follow the provisions of that section and shall provide AHCA Form 3100-0006, which is incorporated by reference, to the mother for her completion. A copy of the signed and completed form shall be retained in the mother's birth center file and shall be available for review by the Agency or Department of Health.

Specific Authority 383.33625(6) FS. Law Implemented 383.33625 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bill McCort, Bureau of Health Facility Regulatory, Division of Health Quality Assurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 10, 2005
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 3, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION
Medicaid

RULE TITLE: Medicaid Provider Reimbursement Schedule
PURPOSE AND EFFECT: The amendment to Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 2006. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 2006 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual. The effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2006, in rule.

SUMMARY: The amendment to Rule 59G-4.002, F.A.C., will incorporate by reference the Florida Medicaid Provider Reimbursement Schedule, January 2006. The effect will be to incorporate the Florida Medicaid Provider Reimbursement Schedule, January 2006, in rule.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

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

TIME AND DATE: 2:00 p.m., Monday, February 13, 2006

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

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January ~~2006~~ ~~2005~~, ~~updated April 2005~~: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Jason Ottinger

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 21, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Inpatient Mental Health and Tuberculosis Hospital Services
 RULE NO.: 59G-4.165

PURPOSE AND EFFECT: Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services, is obsolete. Medicaid does not have a tuberculosis hospital program, and the policies that pertain to state mental health hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older are being incorporated in a new rule, Rule 59G-4.300, F.A.C.

The effect will be to repeal Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services.

SUMMARY: The purpose of this rule amendment is to repeal Rule 59G-4.165, F.A.C., Inpatient Mental Health and Tuberculosis Hospital Services.

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: 409.919 FS.

LAW IMPLEMENTED: 409.905(5), 409.906(18), 409.908, 409.913(5)(e), 409.913(8)(h) FS.

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

TIME AND DATE: 1:00 p.m., Monday, February 13, 2006

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: Alisha Bradley-Nelson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.165 Inpatient Mental Health and Tuberculosis Hospital Services.

Specific Authority 409.919 FS. Law Implemented 409.905(5), 409.906(18), 409.908, 409.913(5)(e), 409.913(8)(h) FS. History—New 1-1-77, Revised 10-1-77, Amended 3-10-83, Formerly 10C-7.46, Amended 5-26-93, Formerly 10C-7.046, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alisha Bradley-Nelson
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 7, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: State Mental Health Hospital Services
RULE NO.: 59G-4.300
PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005. The revised handbook contains changes required by the Health Insurance Portability and Accountability Act (HIPAA). The effect will be to incorporate by reference in the rule the revised Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook.

SUMMARY: The purpose of this rule is to incorporate by reference the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005. The effect will be to incorporate by reference in the rule the revised Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook.

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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 FS.

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

TIME AND DATE: 1:00 p.m., Monday, February 13, 2006

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: Alisha Bradley-Nelson, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)487-3028

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.300 State Mental Health Hospital Services.

(1) This rule applies to state mental health hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements.

(2) All state mental hospitals that provide long term inpatient mental health services to Medicaid recipients age 65 and older who meet the Medicaid Institutional Care Program eligibility requirements must be in compliance with the provisions of the Florida Medicaid State Mental Health Hospital Services Coverage and Limitations Handbook, September 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Institutional 021, which is incorporated in Rule 59G-4.200, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

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

NAME OF PERSON ORIGINATING PROPOSED RULE:
Alisha Bradley-Nelson
NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Alan Levine, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: January 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: October 7, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Medicaid Contracts for Prepaid Health Plans
RULE NO.: 59G-8.100

PURPOSE AND EFFECT: The purpose of the proposed amendment is to incorporate changes to the Payment Methodology for Participating Medicaid Managed Health Care Plans, effective July 1, 2005, to provide the following changes based on the 2005-06 General Appropriations Act, Specific Appropriations 225, 226, Senate Bill 838, Section 20, and Section 409.9124, F.S.

1. Section B (4): Discount Factor (D) – equals the percentage of the projected payment limit that is allocated to each service area as referenced in Table 2.
2. Section B (6) Payment Limit (PL) – means the projected cost for HMO covered services in a Medicaid fee-for-service system, including MediPass costs and fee-for-service costs attributable to recipients enrolled for a portion of a year in a managed care plan or waiver program, but excluding the fee paid to primary care physicians for MediPass enrollees, actual expenditures for

children enrolled for reimbursement under the CMS program, and other excluded groups as described in Section 10.3 of the HMO contracts. The final capitation rate paid to HMOs is calculated as a percentage of the PL by taking into consideration age and gender factors, service area, other discount factors, and eligibility category expenditures. Pursuant to 42 CFR 438.6, the final capitation rates must be actuarially sound. Medicaid payment for a defined scope of services to be furnished to a defined number of recipients may not exceed the cost to the agency of providing those same services on a fee-for-service basis to an actuarially equivalent population group.

Section 409.9124, F.S., limits the projected weighted rate on a per member per month basis to the per member per month rate adopted by the Florida Legislature.

3. Section B (7) Service Categories or HMO Capitation Categories mean:
Hospital/ Medical Services – all HMO covered services not falling into the three other HMO capitation categories specified in subparagraph 5.b., c., and d. These include: hospital inpatient, hospital outpatient, physician services, prescribed medicine, lab and x-ray, family planning, home health services, EPSDT Screening, child vision, child hearing, nurse practitioner, birthing center, rural health services, physical therapy, speech therapy, occupational therapy, respiratory therapy, clinic, physician assistant, dialysis center services, and Medicare dual eligible crossover expenditures.
4. Section C (1): AP – equals amount paid for HMO covered services rendered under the MediPass program, minority networks, Emergency Room Diversion and other related projects, and the standard Medicaid fee-for-service system for SFY 1 and SFY 2 the most recent two years available for eligibility groups, age and gender bands, and service areas equivalent to the managed care population.
5. Section C (1): IBNR – equals an estimated percentage of the total amount of claims incurred during the applicable fiscal year that have not yet been submitted to the Agency for Health Care Administration (agency). This calculation is based upon an evaluation of SFY 1. As the expenditures in each SFY of the base include the 12 months of the referenced year (months 1-12) plus the following 6 months (months 13-18), the evaluation for the period of claims incurred but not reported includes claims paid from 19-30 months after the beginning of SFY 1. This evaluation is determined statewide and includes all covered service categories.
6. Section C (1): TPL – equals third party liability recovery adjustments, which is the Agency’s estimated percentage of third party liability recovery based on the average of the actual amounts recovered for SFY 1 and SFY 2.

7. Section C (2): Step 1

Eligibility Group	Age/Gender Bands (age in years unless otherwise noted)	
TANF/AFDC	Months 0-2	14-20 Female
	Months 3-11	21-54 Male
	1-5	21-54 Female
	6-13	55 and over
	14-20 Male	
SSI – no Medicare	Months 0-2	14-20
	Months 3-11	21-54
	1- 5	55 and over
	6-13	
SSI Medicare Part A and B	Under 65	65 and over
SSI Medicare Part B only	All ages combined	

8. Section C: Step 4

IBNR Claims: A certain percentage of claims are paid after each year’s data is summarized. The agency summarizes each state fiscal year of data six months after it ends. The IBNR adjustment reflects an estimate of the claims that will be paid after December 31, for SFY 2 incurred but not reported claims. The estimated claims amount is added to the expenditures for combined SFY 1 and SFY 2 to reflect the total fee-for-service costs.

9. Section C: Step 4

Third Party Liability (TPL) Adjustment: The claims data does not include all of the TPL recoveries realized by the agency. Based on an average of SFY 1 and SFY 2 TPL data, the SFY 4 cost estimates are adjusted downward to reflect the TPL recoveries. This adjustment includes only those recoveries that are not already reflected in the claims data. The TPL adjustment factors are calculated separately for each eligibility category, and may vary annually.

10. Section E: TA – the trend adjustment necessary to remain within Section 409.9124, F.S. The final weighted rate for all eligibility groups shall not exceed the per member per month amount adopted by the Florida Legislature.

SUMMARY: The proposed amendment to Rule 59G-8.100, F.A.C., revises the Payment Methodology for Participating Medicaid Managed Health Care Plans, as incorporated into Rule 59G-8.100, F.A.C., by reference.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: A statement of estimated regulatory cost has not 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: 409.9124, 409.919 FS.
 LAW IMPLEMENTED: 409.9124(1) FS.
 IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 10:00 a.m., February 14, 2006
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room B, Tallahassee, FL 32308
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Edwin Stephens, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Room 2149A, Mail Stop 21, Tallahassee, Florida 32308, (850)414-2759

THE FULL TEXT OF THE PROPOSED RULE IS:

- 59G-8.100 Medicaid Contracts for Prepaid Health Plans.
 - (1) through (16) No change.
 - (17) Payment Methodology for Covered Services. Capitation payment rates are calculated annually by the agency based on historical fee-for-service expenditures adjusted forward to the contract period. The agency shall not pay more for a defined scope of services to a defined number of enrollees under a capitation arrangement than the projected cost of providing those same services on a fee-for-service basis. The payment methodology, entitled "Agency for Health Care Administration, Payment Methodology for Participating Medicaid Managed Health Care Plans", July 2005⁴ is incorporated herein by reference.
 - (18) through (24) No change.

Specific Authority 409.9124, 409.919 FS. Law Implemented 409.9124(1) FS. History—New 3-9-81, Amended 7-9-84, Formerly 10C-7.524, Amended 4-5-89, Formerly 10C-7.0524, Amended 8-4-02, 1-23-05,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Robert Butler
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mr. Robert Butler
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 9, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 5, 2005

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE TITLE: Aged and Disabled Adult Waiver Services
 RULE NO.: 59G-13.030
 PURPOSE AND EFFECT: The purpose of this rule is to incorporate by reference the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, Update August 2005. The handbook was updated to clarify the following policies. Adult companion providers and homemanager and homemaker providers may be

individual homemakers or homemaker and companion agencies. Only homemaking and companion agencies must be registered with the Agency for Health Care Administration (AHCA), Division of Health Quality Assurance (HQA), in accordance with Chapter 400, F.S. Homemakers, sitters and companions are not registered by AHCA to provide respite services. Additional information was added to the reimbursements per unit and maximum limits on the Aged and Disabled Adult Waiver Services Procedure Codes and Fee Schedule. The reimbursements and limits were not changed, but reworded to clarify the policy. The effect will be to incorporate by reference update August 2005 to the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook in rule.

SUMMARY: The purpose of this rule is to incorporate by reference update August 2005 to the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004.

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: 409.919 FS.
 LAW IMPLEMENTED: 409.906, 409.907, 409.908, 409.912 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):
 TIME AND DATE: 1:00 p.m., Tuesday, February 14, 2006
 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: Carol Schultz, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)922-7349

THE FULL TEXT OF THE PROPOSED RULE IS:

- 59G-13.030 Aged and Disabled Adult Waiver Services.
 - (1) No change.
 - (2) All aged and disabled adult waiver services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook, March 2004, updated August 2005, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, Non-Institutional 081 which is incorporated by reference in Rule 59G-13.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent.

(3) No change.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.907, 409.908, 409.912 FS. History—New 6-1-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Carol Schultz

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 7, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Approved General Forms
RULE NO.: 61-6.022

PURPOSE AND EFFECT: This rule incorporates Department-wide application forms utilized in licensing, licensure renewal, and licensure discipline.

SUMMARY: The rule will adopt and incorporate by reference master forms utilized by the Department, its Divisions, and the regulatory boards, for licensing, licensure renewal, and licensure discipline.

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

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

SPECIFIC AUTHORITY: 455.213(1) FS.

LAW IMPLEMENTED: 455.203, 455.213 FS.

IF REQUESTED IN WRITING 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: Gail Scott-Hill, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-6.022 Approved General Forms.

The following is a list of the forms utilized by Department divisions and regulatory boards for purposes of licensing, licensure renewal, and licensure discipline. These forms can be obtained from the Department at 1940 North Monroe Street, Tallahassee, Florida 32399-0756, or by calling (850)487-1395.

(1) Master Individual Application, DBPR 0010 (three pages).

(2) Master Organizational Application, DBPR 0020 (one page).

(3) Attestation Statement, DBPR 0030 (one page).

(4) Officers and Directors, DBPR 0040 (two pages).

(5) Explanatory Information for Background Questions, DBPR 0050 (two pages).

(6) General Explanatory Description, DBPR 0060 (one page).

(7) Uniform Complaint Form, DBPR 0070 (four pages).

(8) Request for Address or Name Change, DBPR 0080 (one page)

(9) Duplicate License Request, DBPR 0090 (one page).

(10) Request for Release of Information and Authorization to Release Information, DBPR 0100 (two pages).

(11) Smoking Complaint Form, DBPR 0110 (one page).

Specific Authority 455.213(1) FS. Law Implemented 455.203, 455.213 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gail Scott-Hill, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 16, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE TITLE: Approved Forms for the Division of Real Estate
RULE NO.: 61-6.023

PURPOSE AND EFFECT: This rule incorporates Division of Real Estate forms utilized in licensing, licensure renewal, and licensure discipline.

SUMMARY: The rule will adopt and incorporate by reference the Division of Real Estate forms used for the above purposes.

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

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

SPECIFIC AUTHORITY: 120.52(15), 455.213, 475.17, 475.612 FS.

LAW IMPLEMENTED: 455.217, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.22, 475.23, 475.24, 475.25, 475.451, 475.5108, 475.612, 475.615, 475.616, 475.617, 475.6175, 475.618, 475.619, 475.620, 475.6221, 475.623, 475.627, 475.630, 475.631 FS.

IF REQUESTED IN WRITING 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: Gail Scott-Hill, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

THE FULL TEXT OF THE PROPOSED RULE IS:

61-6.023 Approved Forms for the Division of Real Estate. The following forms are approved by the Department of Business and Professional Regulation for the Division of Real Estate's use in licensing, licensure renewal, and licensure discipline, and are hereby adopted and incorporated by reference into these rules. A copy of these forms may be obtained by writing to the Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0756 or calling (850)487-1395.

- (1) Application Requirements, DBPR RE-2000 (two pages).
- (2) Real Estate Background Questions, DBPR RE-2010 (one page).
- (3) Appraiser Background Questions, DBPR FREAB-2015 (one page).
- (4) Non-Resident Temporary Appraisal Practice Permit, DBPR FREAB-2020 (one page).
- (5) Real Estate Instructor Permit Qualifications, DBPR RE-2030 (one page).
- (6) Appraiser Instructor Permit Qualifications, DBPR FREAB-2040 (one page).
- (7) Request for Change of Status, DBPR RE-2050 (one page).
- (8) Request for Change of Status, Registered Trainee Appraiser, DBPR FREAB-2060 (one page).
- (9) Request for Change of Status, Licensed or Certified Appraiser, DBPR FREAB-2065 (one page).
- (10) Request for School/Instructor Change of Status, DBPR RE-2070 (two pages).
- (11) Request for Instructor Evaluation, DBPR RE-2080 (one page).
- (12) Request for Course Evaluation, DBPR FREAB-2090 (one page).
- (13) Instructions for completing "DBPR FREAB-2090 Request for Course Evaluation", DBPR FREAB-2091 (one page).
- (14) Request for Course Evaluation, DBPR RE-2095 (one page).
- (15) Instructions for completing "DBPR RE-2095 Request for Course Evaluation", DBPR RE-2096 (one page).

- (16) Application for Additional Locations, DBPR RE-2100 (two pages).
- (17) Uniform Complaint Form – Real Estate, DBPR RE-2200 (three pages).
- (18) Instruction for completing "DBPR RE-2200 Uniform Complaint Form", DBPR RE-2201 (one page).
- (19) Appraisal Experience Log, DBPR FREAB-2300 (one page).
- (20) Instructions for completing "DBPR FREAB-2300 Appraisal Experience Log", DBPR RE-2301 (one page).
- (21) Irrevocable Consent to Service, DBPR RE-2400 (one page).
- (22) Request to Revert to Real Estate Salesperson Status, DBPR RE-2500 (one page).
- (23) Educational Provider Application, DBPR RE-2564 (one page).
- (24) Application Information for Real Estate Sales Associates and Brokers, DBPR RE-2600 (three pages).
- (25) Application Information for Real Estate Corporation, DBPR RE-2610 (two pages).
- (26) Real Estate Education Information Sheet, DBPR RE-2620 (six pages).
- (27) Real Estate (FREC) Education Requirements, DBPR RE-2630 (two pages).
- (28) Application Information for Real Estate Appraiser Instructors, DBPR FREAB-2700 (two pages).
- (29) Appraisal Education Checklist, DBPR FREAB-2710 (three pages).
- (30) Application Information for Real Estate Appraisers, DBPR FREAB-2720 (three pages).
- (31) Division of Real Estate (FREAB & FREC) Provider Information, DBPR RE/FREAB-2800 (three pages).
- (32) Florida Real Estate Commission & Florida Real Estate Appraiser Board Instructors, FREC and FREAB Education Credits, DBPR RE/FREAB-2810 (one page).

Specific Authority 455.213, 475.17, 475.612 FS. Law Implemented 455.217, 475.15, 475.161, 475.17, 475.175, 475.180, 475.181, 475.182, 475.183, 475.215, 475.22, 475.23, 475.24, 475.25, 475.451, 475.5108, 475.612, 475.615, 475.616, 475.617, 475.6175, 475.618, 475.619, 475.620, 475.6221, 475.623, 475.627, 475.630, 475.631 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Gail Scott-Hill, Assistant General Counsel, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 9, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION		Excise Tax Exemption Reports	61A-10.051
		Monthly Reports, Required	61A-10.052
		Records Maintenance	61A-10.053
Division of Alcoholic Beverages and Tobacco		Invoices, Tobacco Products	
RULE CHAPTER TITLE:	RULE CHAPTER NO.:	Sales to Retailers	61A-10.054
Cigarette and Tobacco Products		Excise Tax Refunds	61A-10.055
Division Rules	61A-10	PART III CIGARETTE AND TOBACCO PRODUCTS PERMIT RULES	
RULE TITLES:	RULE NOS.:	Application for Cigarette Permit, Manufacturer or Importer	61A-10.080
PART I CIGARETTE TAX RULES		Application for Cigarette Permit, Wholesale Dealer, Exporter, or Cigarette Distributing Agent	61A-10.081
Definitions	61A-10.001	Application for a Tobacco Products Wholesale Dealer Permit	61A-10.082
Stamps, Sale of	61A-10.002	Application for Retail Tobacco Products Dealer Permit	61A-10.083
Stamping Agent – Requirements	61A-10.0021	Permit Changes	61A-10.084
Cigarette Distributing Agent – Requirements	61A-10.0022	Duplicate License Request	61A-10.085
Excise Tax, Imposition and Exemption	61A-10.005	PURPOSE AND EFFECT: The purpose and effect of the proposed rules are to implement statutory provisions and define terms and rules relating to cigarette and tobacco product permits, taxes, and reports based on Chapter 2005-228, Laws of Florida and Sections 210, 561, and 569 of the Florida Statutes, 2005.	
Stamps, Method of Affixing	61A-10.006	SUMMARY: These rules address cigarette and tobacco product permitting, taxing, auditing, and reporting requirements and procedures relating to the sale and distribution of cigarettes and other tobacco products.	
Stamps, Limitation of Use	61A-10.007	SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.	
Refunds	61A-10.008	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.	
Sample Packages of Cigarettes	61A-10.009	SPECIFIC AUTHORITY: 210.09, 210.10, 210.11, 210.55, 210.75, 561.08 FS.	
Manufacturer’s and Importer’s Reporting Requirements	61A-10.0091	LAW IMPLEMENTED: 210.01, 210.02, 210.03, 210.04, 210.05, 210.06, 210.07, 210.08, 210.085, 210.09, 210.11, 210.13, 210.15, 210.185, 210.20, 210.25, 210.30, 210.40, 210.55, 210.60, 210.75, 218.215, 218.23, 218.245, 218.25, 218.26, 569.002, 569.003, 569.007 FS; U.S.C. Const. Art. I § 8, cl. 3; U.S.C. Const. Art. VI cl. 2; 4 U.S.C. § 107; 14 U.S.C. §§ 1, 2; 42 U.S.C. §§ 2451, 2472; 25 U.S.C. §§ 261-264.	
Sales, Passenger Carriers	61A-10.010	IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):	
Cigarette Monthly Reports	61A-10.011	TIME AND DATE: 1:00 p.m., Monday, February 13, 2005	
Cigarette Audit	61A-10.0111	PLACE: Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco Conference Room, 1940 North Monroe Street, Tallahassee, Florida 32399	
Required Documentation for Imported Cigarettes	61A-10.0112		
Manufacturers’ and Importers’ Representatives, Reports and Responsibilities	61A-10.012		
Transactions, Wholesale Dealers, Manufacturers’ and Importers’ Representatives	61A-10.013		
Wholesale Dealers, Purchase for Resale Prohibited	61A-10.014		
Transfer, Unstamped Cigarettes	61A-10.015		
Manufacturer, Importer, Wholesaler Dealer, Cigarette Wholesale Dealer or Exporter, Permit Changes	61A-10.016		
Direct Shipments, Prohibition, Exception and Excise Taxes	61A-10.017		
Invoices or Daily Sales Tickets, Cigarette Sales to Retail Dealers	61A-10.018		
Invoices, Other Tobacco Products Sales to Retail Dealers	61A-10.0181		
Vending Machines, Permits and Restrictions	61A-10.020		
Vending Machines, Reports	61A-10.021		
Sale of Stamped, Untaxed Cigarettes by Stamping Agents or Wholesale Dealers to Indians for Retail Sale, Reporting	61A-10.026		
Interest on Excise Tax; Due Dates	61A-10.027		
New Off Premise Storage of Unstamped Cigarettes	61A-10.031		
PART II TOBACCO PRODUCTS TAX RULES			
Definitions	61A-10.050		

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Christina Norman, Assistant Attorney, Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)487-2563

THE FULL TEXT OF THE PROPOSED RULES IS:

PART I
CIGARETTE TAX DIVISION RULES

61A-10.001 Definitions, Cigarette.

Commencing July 1, 1973, the term "cigarette" means any roll for smoking made wholly, or in part, of tobacco regardless of the substance of which the wrapper is made, and excepting there from only those rolls of tobacco in which all of the tobacco therein is fully naturally fermented and/or weighs more than 3 pounds per thousand.

(1) "Cigarette Distributing Agent" also known as "CDA" means a "distributing agent" as defined in Section 210.01(14), Florida Statutes. For tobacco to be fully naturally fermented it must meet the following criteria:

(a) The tobacco must be air-cured as opposed to flue-cured, and

(b) The fermentation of the tobacco must be a separate, distinct and identifiable step in the total process of taking tobacco from its raw, natural state to its final manufactured state. Fermentation must be a separate step in and of itself, not included in and separate from all other steps in the total process, including, for example, such other steps as curing, aging, storing or re-dying in which some fermentation may take place.

(2) "Bill of Lading" means a receipt given by a carrier for goods accepted for transportation. The fermentation process referred to above means a vigorous, controlled process involving tobacco containing a relatively high moisture content and marked by large natural temperature increases generated by the fermenting tobacco as distinguished, for example, from the gentle largely uncontrolled aging process. In addition, generally fermentation takes 4 to 8 weeks with the tobacco fermented in bulk reaching a temperature of 120° F or more in an atmosphere of 60-90% relative humidity. The chemical changes that take place will substantially eliminate the carbohydrates (sugar and starch) and reduce the alkaloid content and evolves carbon dioxide and ammonia. Further, for the fermentation to be natural, there can be no artificial heat or chemical applied either during the fermentation process itself or prior thereto in order to induce fermentation. Fermentation generally continues until there is no longer any significant rise in temperature in the fermenting tobacco itself in order for the tobacco to be fully fermented.

(3) "Stamping Agent" means an "agent" as defined in Section 210.01(9), Florida Statutes.

(4) "Audit" means the process of examining and verifying the records stock and equipment of manufacturers, importers, distributing agents, wholesale dealers, stamping agents, and retail dealers licensed by the Division.

Specific Authority 210.10 564-H FS. Law Implemented 210.01(4), 210.085, 210.09, 210.15 FS. History—Amended 9-17-73, Repromulgated 12-19-74, Formerly 7A-10.01, 7A-10.001, Amended _____.

61A-10.002 ~~Excise Tax Stamps, Definition and Sale of.~~

(1) "Hand" stamps shall include all excise tax stamps affixed to packages of cigarettes through a water application process. The Division may sell such stamps only to qualified wholesalers in individual units or multiples thereof, including the cost of printing, handling and shipping such stamps.

(1)(2) "Heat transfer" stamps shall include all excise tax stamps affixed to packages of cigarettes through a mechanical heat application process. Such stamps will be sold only to stamping agents wholesalers who have been given permission by the Division to use such stamps to evidence payment of taxes and the Division may sell such stamps in individual units of 1 roll or multiples thereof including the cost of printing, handling and shipping such stamps.

(2) Any such stamps purchased by a stamping agent may not be transferred or sold to any entity including other stamping agents; however, such stamps may be returned to the Division for credit or refund as specified in Rule 61A-10.008, Florida Administrative Code.

(3) Stamping agents shall requisition stamps using DBPR form AB&T 4000A-006, Requisition and Invoice for Cigarette Tax Stamps incorporated herein by reference and effective (_____). Each stamping agent purchasing tax stamps shall file with the Division DBPR form AB&T 4000A-040, Cigarette Stamp Signature Card, incorporated herein by reference and effective (_____), listing employees authorized to requisition and receive tax stamps. Stamps will not be delivered to unauthorized individuals.

Specific Authority 210.10 FS. Law Implemented 210.05(2) FS. History—New 12-19-74, Amended 10-8-81, 8-29-84, Formerly 7A-10.02, 7A-10.002, Amended _____.

61A-10.0021 Stamping Agent – Requirements.

The Division may authorize a wholesale dealer as a stamping agent to affix stamps to packages of cigarettes provided the dealer furnishes the Division with:

(1) An irrevocable letter of credit, certificate of deposit, unconditional guarantee contract, or a surety bond, issued by a solvent surety company within this state, equal to 110% of estimated monthly stamp liability, but not less than \$2,000, as required in Sections 210.05 and 210.08, Florida Statutes.

(a) Surety amounts will be reviewed every 6 months to verify compliance with this Rule. The surety amount will be based on the highest month's total liability.

(b) Liability for stamp purchases shall not exceed the surety amount.

(c) Stamping agents will provide the Division with a continuation certificate of the surety when the stamping agent pays their surety premium.

(d) If a surety instrument is cancelled, the stamping agent must cease operation.

(2) A letter from manufacturers and importers stating that they will ship to the applicant direct.

(3) A letter from the wholesale dealer requesting to be a stamping agent.

(4) If licensed as a stamping agent by another state, authorization from that state to purchase and affix that state's tax indicia within the State of Florida.

Specific Authority 210.10 FS. Law Implemented 210.01, 210.05, 210.08, 210.15, 210.40 History-New _____

61A-10.0022 Cigarette Distributing Agent – Requirements.

Any entity permitted as a cigarette distributing agent may not own or sell cigarettes. All product movement by the cigarette distributing agent is to be initiated by manufacturer or importer of the cigarettes who shall remain the owner of such cigarettes. A cigarette distributing agent may not be appointed as a stamping agent.

Specific Authority 210.10 FS. Law Implemented 210.01, 210.05, 210.085, 210.15 History-New _____

61A-10.005 Excise Tax, Imposition and Exemption.

The cigarette excise tax is imposed upon the sale, receipt, purchase, possession, handling, consumption, distribution and use of cigarettes in Florida, except as follows:

(1) Cigarettes sold at post exchanges, ship service stores, ship stores, and slop chests when such agencies are operated under regulations of the Armed Forces of the United States or the United States Coast Guard or NASA on Armed Forces Reservations or other Federal Bases and Exchanges in Florida or on ships of the Armed Force Merchant Marines of the United States, may be sold without the payment of the Florida excise tax to members of the Armed Services of the United States only; tax exempt sales may not be made by such agencies to anyone other than members of the Armed Services of the United States and cigarettes sold to other persons must be properly stamped and Florida excise tax due thereon paid.

(2) Cigarettes sold or given by charitable organizations to bona fide patients in regularly established veterans hospitals in Florida or inmates of a federal prison, for personal use or consumption of such patients or inmates, are exempt from the Florida excise tax; cigarettes sold or given to anyone other than a bona fide patient in such hospitals or other personal use of such patients or inmates of a federal prison, must be properly stamped and the Florida excise tax due thereon paid.

(3) Each wholesaler dealer or cigarette distributing agent ~~wholesale dealer~~ handling any such tax-free cigarettes shall attach to their his monthly report a copy of the invoice or sales slip substantiating any such tax-free sale. The invoice or sales

slip must be signed by a person authorized to receive such tax-free cigarettes. The name of any person authorized to receive and sign for such tax-free cigarettes must be submitted by the commanding officer of the military installation, hospital, or prison to the Bureau of Auditing office of the Division District Auditor of the District of the Division of Beverage wherein such military installation is situated.

Specific Authority 210.10(4) FS. Law Implemented U.S.C. Const. Art. VI cl. 2; 4 U.S.C. § 107; 14 U.S.C. §§ 1, 2; 42 U.S.C. §§ 2451, 2472; 210.03, 210.04(4)(a),(b), 210.05, 210.09, 210.11 FS. History-Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.05, 7A-10.005, Amended _____

61A-10.006 ~~Excise Tax~~ Stamps, Method of Affixing.

(1) The ~~excise tax~~ stamps affixed to packages of cigarettes for the purpose of evidencing payment of the excise tax due thereon must be placed on the bottom of the package of such cigarettes in such a manner that the stamps ~~or imprints~~ are clearly visible, legible and complete.

(2) Wholesale dealers within this state must affix or cause to be affixed such stamps within 10 calendar days of receipt of the cigarettes. All stamps affixed to packages containing fifty or more cigarettes must be placed on the packages in a manner so that such stamps will be destroyed when the packages are opened.

(3) Wholesale dealers within this state may not maintain stocks of unstamped cigarettes unless that part is identified for sale or distribution outside this state or intended as tax exempt sales as defined in Section 210.04(4), Florida Statutes. Such unstamped stock must be maintained separately and apart from stamped cigarettes.

(4) Wholesale dealers from outside the state must affix Florida tax stamps prior to shipping cigarettes into this state.

Specific Authority 210.10(4) FS. Law Implemented 210.04, 210.05, 210.06 FS. History-Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.06, Amended 3-15-90, 7-9-91, 1-7-92, Formerly 7A-10.006, Amended _____

61A-10.007 ~~Excise Tax~~ Stamps, Limitation of Use.

Stamping agents ~~Agents and wholesalers~~ are prohibited from affixing ~~excise tax~~ stamps to any packages of cigarettes not actually owned by such stamping agents ~~or wholesalers~~ unless written permission for such action is received from the Division.

Specific Authority 210.10(4) FS. Law Implemented 210.06, 210.05 FS. History-Repromulgated 12-19-74, Formerly 7A-10.07, 7A-10.007, Amended _____

61A-10.008 Refunds.

(1) No refund or credit will be made for ~~excise tax~~ stamps affixed to packages of cigarettes shipped from a wholesaler ~~dealer~~ to a manufacturer or importer unless such wholesale dealer furnishes the Division with an original affidavit issued by the manufacturer or importer acknowledging the receipt of the cigarettes evidentiary proof of such shipment is submitted by the wholesaler to the Division. Such an affidavit must be submitted with a completed DBPR form AB&T 4000A-004,

Application for Refund or Credit of Cigarette Stamps, incorporated herein by reference and effective (_____). The cancellation of cigarette tax stamps already affixed to damaged or unsaleable packages of cigarettes will be performed by the dealer or his authorized personnel and witnessed by agents or auditors of the Division of Beverage. An affidavit will be provided by the Division of Beverage agent or auditor for the amount of stamps cancelled and the dealer will apply for refund on forms prescribed by the Division for that purpose. Only upon receipt of a such affidavits properly executed application will the Division make such refunds or credits. Applications for refunds or credits and supporting affidavits must be filed with the Division within nine ~~three~~ months from the dates the shipments of such cigarettes were made as set forth in the affidavit.

(2) Unused stamps will be redeemed by the Division only in full rolls or partial rolls that can be re-sold to another stamping agent. It will be necessary to segregate unsaleable packages of stamped cigarettes according to stamp color since different discount rates will apply.

(3) Stamps misapplied to packages or stamps that become unusable may be destroyed by authorized employees of the Division and a credit or refund issued upon the submission of a completed DBPR form AB&T 4000A-004. Out of state stamping agents with misapplied Florida stamps must submit a sworn affidavit for misapplied or unusable stamps.

Specific Authority 210.10(4) FS. Law Implemented 210.11 FS. History—Amended 8-25-66, Repromulgated 12-19-74, Formerly 7A-10.08, 7A-10.008, Amended _____.

61A-10.009 Sample Packages of Cigarettes.

The Division may, in its discretion, authorize manufacturers and importers to distribute in the state sample packages of cigarettes containing not less than two (2) nor more than twenty (20) cigarettes without affixing any ~~excise tax~~ stamps; provided, the tax due on such sample cigarettes must be paid to the Division by the manufacturer or importer on or before the ~~tenth~~ (10th) calendar day of each month for all sample cigarettes distributed during the previous month. Reports shall be made on DBPR form AB&T 4000A-245, Manufacturer's and Importer's Report for Distribution of Samples, incorporated herein by reference and effective (_____). The manufacturer or importer shall submit to the Division, along with the report and payment of the excise tax, invoices covering all shipments of sample cigarettes for the preceding month. In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, reports and remittances shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays. Reports and payments covering sample cigarettes must be submitted to the Division at the central office in Tallahassee.

(1) The individual package of sample cigarettes must bear the words “COMPLIMENTARY – NOT FOR SALE – ALL APPLICABLE STATE TAXES HAVE BEEN PAID” or a similar statement which would indicate such cigarettes are not to be sold and that the taxes upon such cigarettes have been paid. The printing of such words shall be of contrasting colors and easily read upon the package.

(2) Sample packages of twenties ~~twenty's~~ (20's) may be sent directly to individuals, such as stockholders, retired or former employees and as a result of customer's complaints; provided, the manufacturer is able to produce evidence of the address where such quantities of sample packages of twenties ~~twenty's~~ (20's) were delivered. The volume of sample cigarettes to any one residence shall not exceed ~~three~~ (3) cartons or six hundred (600) cigarettes.

(3) Where sample packages of twenties ~~twenty's~~ (20's) and/or packages of lesser amounts made to resemble packages of twenties ~~twenty's~~ are distributed at random by representatives of the manufacturer or by any other persons hired by the manufacturer for distributional or promotional purposes, the manufacturer shall notify the Division in writing at a minimum of fifteen (15) calendar days prior to the beginning of the distributional or promotional date of such quantities, brands, and locations to be sampled.

(4) Sample packages containing twenty cigarettes which move through commercial channels to the consumer, such as “Buy one, get one free” or “Buy a carton, get two packs free” promotion, must have a Florida stamp affixed to the free goods by a qualified stamping agent.

Specific Authority 210.10(4) FS. Law Implemented 210.04(9), 210.09 FS. History—Repromulgated 12-19-74, Amended 3-1-76, 7-19-82, Formerly 7A-10.09, 7A-10.009, Amended _____.

61A-10.0091 Manufacturer's and Importer's Reporting Requirements.

Each manufacturer or importer shipping or causing to be shipped cigarettes into this state shall report such shipments to the Division on or before the 10th calendar day of each month for the previous month's shipments. Reports shall be made on the following DBPR forms:

(1) AB&T 4000A-250, Instate Cigarette Manufacturer's Report;

(2) ABT4000A-251, Out of State Cigarette Manufacturer's Report;

(3) ABT4000A-255, Instate Cigarette Importer's Receipt Report; and

(4) ABT4000A-256, Out of State Cigarette Importer's Report.

In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, monthly reports shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or

legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

Specific Authority 210.10 FS. Law Implemented 210.09 FS. History—New

61A-10.010 Sales, ~~Passenger Railroads and Other Carriers.~~

Railroads, passenger vessels, and airlines and other operators of dining cars, club cars, or pullman cars are permitted to sell unstamped cigarettes to bona fide travelers while in transit; provided, however, such firm must report all such sales for the previous month to the Division at the central office in Tallahassee on or before the tenth calendar day of each month. Such reports must be on DBPR form AB&T 4000A-220, Passenger Carrier Cigarette Report, incorporated herein by reference and effective () forms prescribed by the Division for that purpose and shall show all sales for the previous calendar month. A remittance for the amount of excise tax due the State on such sales must be submitted with the report. In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, reports shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

Specific Authority 210.10(4) FS. Law Implemented 210.09(2) FS. History—Repromulgated 12-19-74, Formerly 7A-10.10, 7A-10.010, Amended

61A-10.011 ~~Cigarette Wholesale Dealers, Monthly Reports.~~

(1) Cigarette wholesalers dealers, cigarette distributing agents, and exporters vending machine operators shall maintain complete and accurate records of all purchases and sales of cigarettes within or without the State. On or before the 10th calendar tenth day of each month, such wholesalers dealers, cigarette distributing agents, and exporters vending machine operators shall report to the Division, on forms prescribed for that purpose, all such purchases and sales of cigarettes for the preceding month. Monthly reports shall be made on the appropriate and applicable forms which are incorporated herein by reference and effective (); DBPR form AB&T 4000A-200 Cigarette Distributing Agent's Report, DBPR form AB&T 4000A-205 Taxable Cigarette Wholesale Dealers Report, DBPR form AB&T 4000A-210 Cigarette Exporters Report, DBPR form AB&T 4000A-225 Tax Paid Cigarette Wholesale Dealers Report, or DBPR form AB&T 4000A-235 Common Carrier Monthly Report. Such reports shall be prepared in triplicate; the original and one copy of the report shall be filed with the District Auditor of the District of the Division of Beverage wherein the wholesaler's dealer's, cigarette distributing agent's, or exporter's vending

machine operator's place of business is located. The third copy of the report shall be maintained by the wholesaler dealer, cigarette wholesale dealer or exporter vending machine operator and kept as part of their his accounting records for a period of three years.

In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, monthly reports shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

(2) If the Division determines that any amount of gross tax is due from the monthly reports, the Division shall notify the permit holder in writing by personal delivery or U.S. Mail, stating that the permit holder has 10 calendar days from the receipt of written notification in which to correct the report and payment amount. If the permit holder does not correct the report and payment within the allotted time, the Division will assess the amount due together with interest and penalties and initiate administrative proceedings.

Specific Authority 210.09, 210.10(4) FS. Law Implemented 210.01, 210.09(2),(3), 210.13 FS. History—Repromulgated 12-19-74, Formerly 7A-10.11, 7A-10.011, Amended

61A-10.0111 Cigarette Audit.

(1) The term audit is defined in Rule 61A-10.001, F.A.C.

(2) When the Division performs an audit on the permit holder, it shall determine the amount of tax due for the audited period. If the Division determines that any amount of additional gross tax is due, it shall notify the permit holder in writing by personal delivery or U.S. Mail, stating that the permit holder has 10 calendar days from the receipt of written notification in which to provide additional information to the Division. If the permit holder does not correct the audit finding and make payment within the allotted time, the Division will assess the proper amount due together with interest and penalties and initiate administrative proceedings according to Rule 61A-10.027, F.A.C.

(3) To determine whether the accounting records of the permit holder are reasonably accurate, the Division may use the formula of beginning inventory plus purchases for the period, less tax exempt sales, less ending inventory, to ascertain taxable sales for the period. Adjustments made to this formula will be based on factual and substantiated evidence. The results of the formula will represent sales transactions as defined in Section 210.01(3), Florida Statutes, for the period under review.

Specific Authority 210.09, 210.10 FS. Law Implemented 210.01, 210.09, 210.13 FS. History—New

61A-10.0112 Required Documentation for Imported Cigarettes.

Importers must maintain the following documentation and provide it to the Division upon request:

(1) A copy of the importers permit issued by the Internal Revenue Service;

(2) A copy of the U.S. Customs form for the cigarettes showing tax information required by the federal taxing authorities; and

(3) A certified document demonstrating compliance with federal labeling regulations and ingredient reporting.

Specific Authority 210.10 FS. Law Implemented 210.09, 210.185 FS. History—New _____.

61A-10.012 Manufacturers' and Importers' Representatives, Reports and Responsibilities.

Manufacturers' and importers' representatives are considered an extension of their respective manufacturer or importer.

(1) Manufacturers' and importers' representatives may only sell or distribute cigarettes to a wholesale dealer or importer; however, the Division has the discretion to authorize manufacturers' and importers' representatives to distribute free sample packages of cigarettes consistent with Rule 61A-10.009, F.A.C. Manufacturers' representatives are required to submit the same monthly report as are cigarette wholesalers. Manufacturers' representatives are responsible for all activities of their subordinate personnel insofar as these activities concern the sale, purchase, distribution and handling of cigarettes. A violation of any of the Florida laws concerning cigarettes by a manufacturer's representative or any of his subordinate personnel shall be sufficient grounds for the division to prohibit such person from acting in the capacity of a manufacturer's representative.

(2) Manufacturers and Importers shall report their respective representatives' activities as part of their required reports as specified in Rule 61A-10.0091, F.A.C. Exceptions to this rule and to Rule 61A-10.013, Florida Administrative Code, shall be granted upon written request to the division. Upon approval of an exception, the manufacturers' representatives will not be required to personally submit monthly reports to the division. The wholesale dealer who records and reports the manufacturers' representatives' retail sales is responsible as the agent for the manufacturers' representatives for the accurate reporting of all cigarettes to retailers by county sales to the division. Exceptions will not be granted absent a written commitment from each wholesaler providing cigarettes to manufacturers' representatives to the effect that reporting which would otherwise be required of the manufacturer's representative will be made by the wholesaler. The permittee must notify the division of revocation of any agreement regarding monthly reporting of sales by manufacturers' representatives, at least 30 days prior to the effective date of the revocation.

Specific Authority 210.10(+) FS. Law Implemented 210.01(+6), 210.085, 210.09 FS. History—Repromulgated 12-19-74, Formerly 7A-10.12, Amended 1-24-91, 8-28-91, Formerly 7A-10.012, Amended _____.

61A-10.013 Transactions, Wholesalers Dealers, and Manufacturers' and Importers' Representatives.

(1) Cigarette transactions between manufacturers' and/or importers' representatives and qualified wholesalers dealer are to be reported individually. It will be the responsibility of each wholesaler and manufacturer's and importer's representative to issue individual sales slips for all such transactions.

(2) Any wholesaler dealer making sales to or purchases from a manufacturer's or importer's representative must list on the his monthly report the name and permit number of the manufacturer's or importer's representative making the purchase or sale, permit number and the name of the manufacturer or importer on whose behalf the manufacturer's representative is acting. Each such sale or purchase is to be reported separately.

Specific Authority 210.10(+) FS. Law Implemented 210.09(2), 210.01(+6) FS. History—Repromulgated 12-19-74, Amended 2-1-76, Formerly 7A-10.13, 7A-10.013, Amended _____.

61A-10.014 Wholesalers Dealers, Purchase for Resale Prohibited.

Cigarette wholesalers dealers and vending machine operators are prohibited from purchasing cigarettes from retail cigarette dealers for the purpose of resale; provided, however, that cigarettes may be returned to a wholesaler's dealer's inventory by retailers dealers if such returns are reported on the wholesaler's dealer's monthly report.

Specific Authority 210.10(+) FS. Law Implemented 210.15(+)(+) FS. History—Repromulgated 12-19-74, Formerly 7A-10.14, 7A-10.014, Amended _____.

61A-10.015 Transfer, Unstamped Cigarettes.

Specific Authority 210.10(1) FS. Law Implemented 210.06(1) FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.15, Amended 3-15-90, Formerly 7A-10.015, Repealed _____.

61A-10.016 Manufacturer, Importer, Wholesaler Dealer, Cigarette Wholesale Dealer or Exporter, Permit Changes.

Specific Authority 210.10(1) FS. Law Implemented 210.15(7) FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.16, 7A-10.016, Repealed _____.

61A-10.017 Direct Drop Shipments, Prohibition, Exception, and Excise Taxes.

(1) No manufacturer or importer may ship cigarettes directly to any retail dealer in the State of Florida; and no wholesaler dealer may place orders with a manufacturer or importer for a direct drop shipment of cigarettes to a retail dealer.

(2) Whenever cigarettes are shipped by a vendor from outside the state directly to individual consumers in Florida, the out-of-state vendor has a responsibility to provide information to the Division as required by the Jenkins Act, Title 15, Chapter 10A, Section 376, United States Code. Any

person selling or transferring cigarettes for profit in interstate commerce to other than a wholesale dealer must first report to the Division their intent to sell into Florida by providing their name and trade name, and the address of their places of business. By the 10th calendar day of each month the person must report to the Division all sales or transfers of cigarettes shipped into Florida by providing a memorandum or copy of the invoice covering each and every shipment made during the previous calendar month, and including the name and address of the person to whom the shipment was made, the brand, and the quantity thereof.

In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, reports shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

(3) Any person in possession of any cigarettes upon which a tax is imposed and upon which that tax has not been paid is personally liable for the amount of tax imposed. Whenever cigarettes are shipped from an out-of-state vendor to an individual consumer in Florida, the person receiving the cigarettes is responsible for the tax on the cigarettes and the payment of the tax to the state. DBPR Form AB&T 4000A-215, Individual Cigarette And/Or Tobacco Product Excise Tax Report, incorporated herein by reference and effective () is used to report such cigarettes and for payment of the applicable excise taxes due to the Division.

Specific Authority 210.10(4) FS. Law Implemented 210.02(6), 210.085 FS. History—Repromulgated 12-19-74, Formerly 7A-10.17, 7A-10.017, Amended _____.

61A-10.018 Invoices or Daily Sales Tickets, Cigarette Sales to Retail Dealers.

(1) Cigarette wholesalers ~~dealers and vending machine operators~~ are required to keep sales tickets or invoices covering all sales of cigarettes to retail dealers.

~~(2) Cigarettes placed into a vending machine owned by a vending machine operator holding a cigarette wholesale dealer permit shall not be subject to the provisions of this section.~~

~~(2)(3) Invoices of cigarette sales by wholesale dealers to retail tobacco products dealers must include:~~

~~(a) Seller's business name, address, and cigarette wholesale dealer's state wholesale dealer's permit number;~~

~~(b) Invoice number;~~

~~(c)(b) Purchaser's business name;~~

~~(d)(e) Purchaser's name (individual, partnership, or corporation);~~

~~(e)(d) Business address of purchaser, including county name or numeric code as found in the retail tobacco products dealer state permit number, and required under Sections 218.215, 218.23, 218.245, 218.25, and 218.26, Florida Statutes;~~

~~(f)(e) Retail tobacco products dealer state permit number;~~

~~(g)(f) Date of delivery;~~

~~(h)(g) Number of packages or cartons of each brand sold or delivered; and~~

~~(i)(h) If products other than cigarettes are located on an invoice to the retailer ~~dealer~~, cigarettes shall be listed following one another in uninterrupted order.~~

~~(3)(4) Invoices which include both cigarettes and other tobacco products must meet the minimum requirements set forth in this rule and Rule 61A-10.053 61A-10.0181, F.A.C.~~

Specific Authority 210.10(4) FS. Law Implemented 210.09(4)(a), 210.20, 210.60, 218.215, 218.23, 218.245, 218.25, 218.26, 569.007 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.18, 7A-10.018, Amended 12-20-94, _____.

61A-10.0181 Invoices, Other Tobacco Products Sales to Retail Dealers.

Specific Authority 210.10(1) FS. Law Implemented 210.09(4)(a), 210.60, 218.215, 218.23, 218.245, 218.25, 218.26, 569.007 FS. History—Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.18, 7A-10.018, Amended 12-20-94, Repealed _____.

61A-10.020 Vending Machines, Permits and Restrictions.

~~(1) Vending machines may only be operated by retail dealers. Each machine dispensing or vending cigarettes must display at all times at least one package in each column of cigarettes therein which shall be arranged so that the cigarette excise tax stamps or meter imprints thereon are clearly and directly visible from the outside of the machine.~~

~~(2) Vending machine operators must possess a Florida retail dealer permit issued by the Division.~~

~~This permit shall cover the vending machine operator's primary business location as well as registered vending machines owned or operated by the vending machine operator. The premises on which a vending machine is located or placed must also possess a Florida retail dealer permit issued by the Division.~~

~~(3) Each vending machine dispensing cigarettes must be registered with the Division and have affixed thereto an identification sticker, DBPR form AB&T 4000A-008, Cigarette Vending Machine Identification, incorporated herein by reference and effective (), furnished by the Division.~~

~~(4)(2) No vending machines dispensing cigarettes may sell or offer for sale other products which are labeled or packaged in such a manner to resemble, represent or have a tendency to misrepresent cigarette products being sold or offered for sale unless notice is clearly provided that the product being dispensed is not a cigarette product. Notice is sufficient if displayed on or adjacent to the individual lever depressed or extended by the consumer to receive the product.~~

Specific Authority 210.10(1), 569.009 FS. Law Implemented 210.01, 210.07(4), 210.085, 569.003 FS. History—Amended 10-20-72, Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.20, Amended 1-16-89, Formerly 7A-10.020, Amended _____.

61A-10.021 Vending Machines, ~~Reports Sales and Returns.~~

~~Vending machine operators are required to furnish the Division, DBPR form AB&T 4000A-240 Monthly Changes of Vending Machine Locations, incorporated herein by reference and effective () and DBPR form AB&T 4000A-241 Annual Schedule of Vending Machine Locations, incorporated herein by reference and effective (), on July 1st of each year. All wholesalers who operate cigarette vending machines are required to report all cigarettes placed in vending machines, including those placed in the machine during the initial installation of the machine, as cigarettes sold, if any cigarettes are removed from a vending machine, the packages of cigarettes removed shall be returned to the wholesaler's regular inventory and must be reported on Page 12, Line 4 of the wholesaler's monthly report as cigarettes previously sold. On Page 12, Schedule C, of the report the wholesaler must report the number of packages of cigarettes so returned indicating county area, and the name of each county area from which such returns were made must be listed on Schedule C, reflecting the number of packages of cigarettes returned from each.~~

Specific Authority 210.10(1) FS. Law Implemented 210.09(2),(4)(a) FS. History-Repromulgated 12-19-74, Amended 3-1-76, Formerly 7A-10.21, 7A-10.021, Amended _____.

61A-10.026 Sale of Stamped, Untaxed Cigarettes by Stamping Agents or Wholesale Dealers to Indians for Retail Sale, Reporting.

(1) Stamping agents or wholesale dealers may sell stamped but untaxed cigarettes only to Federally recognized ~~the Seminole Indian Tribes~~ or to an enrolled member thereof exclusively for retail sale on Federally recognized Seminole Indian Reservations or trust lands when such cigarettes have Division approved stamps affixed ~~are stamped with meter imprint and ink or water applied stamp designated and approved by the Division. Federal recognized Indian Tribes are those Indian tribes published in the Federal Register of the Department of the Interior, Bureau of Indian Affairs. For purposes of this section, stamped but untaxed cigarettes will be referred to as "Indian cigarettes."~~

(2) Indian cigarettes ~~Such cigarettes stamped but untaxed cigarettes~~ may be sold only to a retail business exclusively owned and operated by a Federally recognized the Seminole Indian Tribe or an enrolled member thereof for retail sale exclusively by such Tribe or member on Seminole Reservation or trust lands.

(3) Each designated stamping agent ~~or wholesaler~~ selling any such stamped but untaxed cigarettes to a Federally recognized the Seminole Indian Tribe or to an enrolled member thereof shall obtain and provide to the Division the following report and records:

(a) The invoice or sales slip substantiating any such tax-free sale ~~which invoice or sales slip~~ shall be attached to the monthly report. The invoice or sales slip must be signed by a person authorized to receive such stamped but untaxed cigarettes.

(b) The name of any person authorized to receive and sign for such tax-free cigarettes shall be submitted by the designated stamping agent ~~or wholesaler~~ to the Division, District Auditor of the District of the Division of Alcoholic Beverages and Tobacco ~~wherein the Seminole Indian Reservation or trust lands involved are located prior to any sale;~~

(c) A written statement which sets forth all persons or entities holding a direct or indirect interest in the retail business, located on Indian Reservations or trust lands, purchasing Indian cigarettes such cigarettes and all persons or entities entitled to share in any profits or income of the retail business purchasing such cigarettes. This statement shall be obtained prior to any sales of stamped but untaxed cigarettes to any retail business located on Indian Seminole Reservations or trust lands ~~and shall be amended by similar Indian interest or entitlement to share in profits or income. Any changes in interest or entitlement to share of profits or income shall be reported to the Division.~~ Such ~~Such~~ statements shall be kept on file for a period of three years and shall be available for inspection and review by the Division.

(4) All inventories of cigarettes bearing stamps meter imprints which are to be sold to a Federally recognized Indian Tribe or an enrolled member thereof for sale on Seminole Indian Reservations or trust lands must be kept segregated in a separate and secure bonded area of the wholesaler's dealer's warehouse so as not to allow the commingling of taxed cigarettes bearing stamps meter imprints with untaxed cigarettes bearing stamps meter imprints. ~~Also, A~~ a log of all receipts and withdrawals must be maintained for the secured area by the stamping agent.

(5) No stamping agent ~~or wholesaler~~ shall be authorized to receive ~~from any retailer, wholesaler, Indian outlet, or manufacturer's representative~~ any Indian cigarettes which have been spoiled, damaged, or become stale ~~for any reason~~ unless such stamping agent wholesaler has originally applied the stamp metering imprints to the Indian cigarettes.

(6) All stamping agents ~~or wholesalers~~ who apply stamps to cigarettes must separate taxable cigarettes from meter imprints to taxable cigarettes and nontaxable Indian cigarettes must separate each of said classification of cigarettes prior to any witnessing by a Division of Alcoholic Beverages and Tobacco representative of such cigarettes for cancellation of cigarettes tax stamps by the Division, meter impressions or stamp india. Since there is no tax paid there can be no refund of tax for spoiled, damaged, or stale Indian cigarettes.

(7) Any stamping agent or wholesaler purchasing cigarettes for resale to the Seminole Indian Tribe or an enrolled member thereof on Seminole Indian Reservation or trust lands from other than a manufacturer of cigarettes licensed by the federal government must submit with their monthly cigarette report, a certified copy of the monthly report prepared by the shipper of such cigarettes into the State of Florida, which is required to be submitted to the taxing authority in the state in which the shipper is located.

(7)(8) Any sales of stamped but untaxed cigarettes by a stamping agent or wholesaler not in strict conformity with the provisions of this rule shall be deemed a taxable sale and such stamping agent or wholesaler shall be liable for payment of such taxes.

Specific Authority 210.09, 210.10(1), 210.11 FS. Law Implemented U.S.C. Const. Art. I § 8, cl. 3, U.S.C. Const. Art. VI cl. 2, 25 U.S.C. §§ 261-264; 210.05(5), 210.09(2) FS. History—New 10-14-79, Formerly 7A-10.26, Amended 12-31-85, Formerly 7A-10.026, Amended _____.

61A-10.027 Interest on Excise Tax; Due Dates.

(1) Excise taxes on cigarettes assessed pursuant to the accounting records and returns of the stamping agent ~~seller or dealer~~ are due not later than the 10th calendar day of the month following the calendar month in which the taxes were incurred. Interest on taxes assessed shall accrue from that date.

(2) Excise taxes on cigarettes owed by a stamping agent ~~seller or dealer~~ which are assessed as a result of a ~~D~~ivision audit shall become due not later than the 10th calendar day of the month following the calendar month in which the ~~D~~ivision determines the taxes were incurred. Interest on taxes assessed shall accrue from that date.

(3) Excise taxes on cigarettes owed by a stamping agent ~~seller or dealer~~ which are assessed as a result of a ~~D~~ivision audit under circumstances where the ~~D~~ivision is unable to allocate the taxes to any particular month shall be due not later than the 10th calendar day of the month following the calendar month which the ~~D~~ivision makes its assessment. Interest on taxes owed shall accrue from that date.

(4) In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, remittances shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

Specific Authority 210.10 FS. Law Implemented 210.02(6) FS. History—New 10-31-89, Formerly 7A-10.027, Amended _____.

61A-10.031 New Off Premise Storage of Unstamped Cigarettes.

Specific Authority 210.10(1) FS. Law Implemented 210.09 FS. History—New 3-15-90, Formerly 7A-10/031, Repealed _____.

PART II

Tobacco Products Division Rules

61A-10.050 Definitions.

“Tobacco Products Wholesale Dealer” also known as “TWD” means a “distributor” as defined in Section 210.25(4), Florida Statutes.

Specific Authority 210.75 FS. Law Implemented 210.01, 210.25 FS. History—New _____.

61A-10.051 Excise Tax Exemption, Reports.

Excise taxes imposed by Section 210.30, Florida Statutes, shall not apply to the following:

(1) Tobacco products sold at post exchanges, ship service stores, ship stores, slop chests, or other outlets to members of the armed services of the United States when such establishments are operated under the regulations of the Army, Navy, or Air Force of the United States, or the United States Coast Guard or NASA on such reservations in this state; however, it is unlawful for anyone, including members of the armed services of the United States, to purchase such tax-exempt tobacco products for resale within the State of Florida.

(2) Tobacco products shipped directly from the manufacturer or importer to facilities operated by the Federal Bureau of Prisons, located on lands solely owned by the United States government, for consumption by such inmates. Manufacturers or importers shipping such tobacco must notify the Division each month of the facility name and the quantity of tobacco products shipped.

(3) Each tobacco products wholesale dealer selling such tax-free tobacco products shall attach to the monthly report a copy of the invoice substantiating such tax-free sale. The invoice must be signed by a person authorized to receive such tax-free tobacco products. The name of any person authorized to receive and sign for such tax-free tobacco products must be submitted by the commanding officer of the military installation to the auditor supervisor for the district of the Division where the military installation is located.

Specific Authority 210.55, 210.75 FS. Law Implemented U.S.C. Const. Art. VI cl. 2; 4 U.S.C. § 107; 14 U.S.C. §§ 1, 2; 42 U.S.C. §§ 2451, 2472; 210.30 FS. History—New _____.

61A-10.052 Monthly Reports, Required.

(1) Licensed tobacco products wholesale dealers and manufacturers, both inside and outside this state shall keep complete and accurate records and make full and complete reports reflecting the detail of all transactions on the appropriate and applicable forms furnished by the Division, incorporated herein by reference and effective (____); DBPR form AB&T 4000A-300 In-State Tobacco Products Wholesale Dealer’s Report, DBPR form AB&T 4000A-305 Out-Of-State Tobacco Products Wholesale Dealer’s Report, and DBPR form AB&T 4000A-310 Tobacco Products Manufacturer’s and Importer’s Report.

(2) Such required reports and remittances shall be deemed to be filed in a timely manner and qualify the tobacco products wholesale dealer for collection allowances under Section 210.55, Florida Statutes, when the report and remittance are received by the Division on or before the 10th calendar day of the month following the month being reported. In those cases where the 10th calendar day falls on a Saturday, Sunday, or a legal holiday, monthly reports and remittances shall be accepted as timely filed if postmarked or delivered to the Division on the following business day which is neither a Saturday, Sunday or legal holiday. As used in this rule, legal holiday means those days as designated in Section 110.117, Florida Statutes, and Federal holidays.

(3) Mail containing the monthly report or the excise tax remittance must bear a date mark stamp affixed by the U.S. Postal Service, or other established businesses engaged in the delivery of mail, to authenticate the mailing date. Postage meters owned, leased or operated by the tobacco products wholesale dealer or manufacturer shall not serve as proof of mailing date without supporting affidavits, letters or records by the tobacco products wholesale dealer or manufacturer that the reports were placed in the U.S. Mail, or other established businesses engaged in the delivery of mail, on or before the 10th calendar day of the month.

(4) Failure of the tobacco products wholesale dealer to report and remit excise taxes as required shall cause the tobacco products wholesale dealer to be deemed delinquent and to forfeit all rights and privileges of collection allowances authorized by Chapter 210, Florida Statutes.

(5) If reports are physically delivered to the Division after the 10th calendar day of the month for reasons beyond the tobacco products wholesale dealer's control, the Division may consider affidavits and other supporting documentation in determining whether or not an exception should be made to approve the collection allowance.

(6) Tobacco products wholesale dealers receiving tobacco products from manufacturers shall be required to furnish the Division with a list of shipments received each month on forms provided by the Division. Manufacturers shipping tobacco products to Florida tobacco products wholesale dealers shall be required to furnish the Division with a list of shipments made each month on forms provided by the Division.

(7) The Division may authorize manufacturers to distribute sample packages of tobacco products within the state and provide tobacco products to employees and stockholders; provided, such samples and gifts are reported on DBPR form AB&T 4000A-245, Manufacturer's and Importer's Report for Distribution of Samples, incorporated herein by reference and effective (), furnished by the Division. The report shall be

remitted to the Division along with any applicable excise tax payment on or before the 10th calendar day of each month for samples or gifts distributed during the previous month.

(8) If the Division determines that any amount of gross tax is due from the taxpayer, the Division shall notify the taxpayer in writing by personal delivery or U.S. Mail, stating that the taxpayer has 10 calendar days from the receipt of written notification in which to correct the report. If the taxpayer does not correct the report within the allotted time then the Division will notify the taxpayer in writing by personal delivery or U.S. Mail, that it intends to assess the amount due together with interest, penalties, disallowance of discount, and initiate administrative proceedings.

(9) When the Division performs an audit on the taxpayer, it shall determine the tax due. If the Division determines that any amount of gross tax is due from the taxpayer, it shall notify the taxpayer in writing, stating that the taxpayer has 10 calendar days from the receipt of written notification in which to provide the Division with additional information. After 10 calendar days, the Division will notify the taxpayer in writing, that it intends to assess the proper amount due together with interest, penalties, disallowance of discount, and initiate administrative proceedings.

Specific Authority 210.55, 210.75 FS. Law Implemented 210.55, 210.60 FS. History—New _____.

61A-10.053 Records Maintenance.

Every manufacturer, tobacco products wholesale dealer and retailer must preserve all books, records, sales/purchase invoices, and other documents as required by Section 210.60, Florida Statutes. Such records shall be preserved for a period of 3 years. Records may be maintained on optical storage/retrieval systems capable of being viewed, retrieved and reproduced upon request by the Division.

Specific Authority 210.75 FS. Law Implemented 210.60 FS. History—New _____.

61A-10.054 Invoices, Tobacco Products Sales to Retailers.

(1) Tobacco products wholesale dealers are required to keep sales tickets or invoices covering all sales of tobacco products to retailers. Invoices of tobacco products sales by tobacco products wholesale dealers to retailers shall include:

(a) Tobacco products wholesale dealer's name, address, and state permit number;

(b) Invoice number;

(c) Purchaser's business name;

(d) Purchaser's name (individual, partnership, or corporation);

(e) Purchaser's business address;

(f) Retailer's state permit number;

(g) Date of delivery;

(h) Number of units of each brand of tobacco products, wholesale price per unit, and discount per unit sold to the retailer;

(i) If items other than tobacco products are listed on the invoice to the retailer, tobacco products shall be listed following one another in uninterrupted order; and

(j) In addition to the above requirements, an out of state tobacco products wholesale dealer licensed by the state of Florida shall list discounts separate and apart from the wholesale price of each unit. All discounts and free units attached to units being sold shall not reduce the unit wholesale price for tax purposes.

(2) Invoices which include both cigarettes and other tobacco products must meet the minimum requirements set forth in this rule and Rule 61A-10.018, F.A.C.

Specific Authority 210.75 FS. Law Implemented 210.25, 210.60 FS. History—New _____.

61A-10.055 Excise Tax Refunds.

(1) To receive a refund or credit for tobacco products upon which the excise tax has been paid and the products have been subsequently transferred to an out-of-state location, or returned to a manufacturer or importer, or been destroyed, the tobacco products wholesale dealer must provide the following documentation to the Division.

(a) Tobacco products shipped back to a manufacturer or importer must have an affidavit or credit memo from the manufacturer or importer stating that they have received the tobacco products.

(b) Tobacco products sold to tobacco products wholesale dealers, retailers, or consumers located outside of the state of Florida must have a sales invoice listing the quantity and type of tobacco products sold as well as the name, address, and telephone number of the out-of-state destination.

(c) Destroyed tobacco products must be witnessed by an agent of the Division and a copy of the signed destruction form must be provided to the Division.

(2) The amount of the tax reduction can be taken on the DBPR Form AB&T 4000A-300, Instate Tobacco Products Wholesale dealer's Report incorporated herein by reference and effective (_____), by reporting the transaction on the appropriate details page of the report.

(3) In lieu of taking the deduction on the monthly report, the tobacco products wholesale dealer can request that the Division pay the refund or credit back to them.

Specific Authority 210.75 FS. Law Implemented, 210.25, 210.67 FS. History—New _____.

PART III CIGARETTE AND TOBACCO PRODUCTS PERMIT RULES

61A-10.080 Application for Cigarette Permit, Manufacturer or Importer.

(1) In order to be permitted as a manufacturer or importer, or to make changes to an existing manufacturer or importer permit, a completed application must be submitted to and approved by the Division. A completed application shall consist of the following:

(a) Properly executed application on form, DBPR ABT-6024 Application for Wholesale Cigarette Permit, incorporated herein by reference and effective (____);

(b) Payment of the permit fee of \$100;

(c) A copy of a Federal permit to manufacture or import cigarettes; and

(d) If the location for any permit is in the state, the applicant must submit to the Division a sketch of the premises along with a right of occupancy for the location.

(2) A separate and complete application must be made for each place of business located within this state. Absent such a place of business in this state a permit is required for wherever its principal place of business is located.

(3) Permits remain in effect until July 1st following their issuance, or until suspended or revoked by the Division, or until surrendered by the permit holder.

(4) Prior to the expiration of the permit, the Department of Business and Professional Regulation will send permittees a renewal notice. The permittee shall comply with the terms of the renewal notice and submit a renewal fee of \$100 prior to June 30th of each year. It is the permittee's responsibility to timely renew a permit. Failure to receive the renewal notice from the Department of Business and Professional Regulation shall not excuse a permittee from penalties associated with late renewal.

(5) The Division shall assess delinquent renewal penalties on permit holders who fail to timely renew their permits. The Division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the Division prior to the permit being renewed. A penalty of \$20 will be assessed for each month or part of a month of such delinquency. Any permit not renewed within 60 days of its expiration shall be cancelled by the Division, unless the permit is involved in litigation. Furthermore, the Division may renew a permit after the 60 days for good and sufficient cause.

(6) A manufacturer or importer permit may not be transferred to a new owner.

(7) The Division may allow a permit to be moved to another location. To request that a permit be moved, a permit holder must follow the procedure set out in paragraph 61A-10.084(1)(b), F.A.C.

(8) If requested and upon application for a permit, the Division shall issue an initial temporary permit to any new applicant who has filed a complete application which does not on its face provide for denying a permit. The initial temporary permit will be valid for up to 90 days and may be extended by the Division for up to an additional 90 days. If the applicant is denied a permit, the initial temporary permit will cease to be valid on that date. The initial temporary permit fee is \$100, which is separate from the permit fee and which shall be submitted to the Division upon request of the initial temporary permit.

Specific Authority 210.10, 210.15 FS, Law Implemented 210.15, 210.151, 210.1605 FS, History--New _____.

61A-10.081 Application for Cigarette Permit, Wholesale Dealer, Exporter, or Cigarette Distributing Agent.

(1) In order to be permitted as a wholesale dealer, exporter, or cigarette distributing agent, or to make changes to an existing wholesale dealer permit, exporter permit, or cigarette distributing agent permit, a completed application must be submitted to and approved by the Division. A completed application shall consist of the following:

(a) Properly executed application on form, DBPR ABT-6024 Application for Wholesale Cigarette Permit, incorporated herein by reference and effective (____);

(b) A set of fingerprints for each applicant and for any person or persons interested directly or indirectly with the applicant in the business for which the permit is being sought. When making changes to an existing permit, fingerprints will only be required for new applicants and for any new person or new persons interested directly or indirectly with the business for which the permit is changed;

(c) Payment of the permit fee of \$100; and

(d) If the location for any permit is in the state, the applicant must submit to the Division a sketch of the premises along with a right of occupancy for the location.

(2) A separate and complete application must be made for each place of business located within this state. Absent such a place of business in this state a permit is required for wherever its principal place of business is located.

(3) Permits remain in effect until July 1st following their issuance, or until suspended or revoked by the Division, or until surrendered by the permit holder.

(4) Prior to the expiration of the permit, the Department of Business and Professional Regulation will send permittees a renewal notice. The permittee shall comply with the terms of the renewal notice and submit a renewal fee of \$100 prior to June 30th of each year. It is the permittee's responsibility to timely renew a permit. Failure to receive the renewal notice

from the Department of Business and Professional Regulation shall not excuse a permittee from penalties associated with late renewal.

(5) The Division shall assess delinquent renewal penalties on permit holders who fail to timely renew their permits. The Division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the Division prior to the permit being renewed. A penalty of \$20 will be assessed for each month or part of a month of such delinquency. Any permit not renewed within 60 days of its expiration shall be cancelled by the Division, unless the permit is involved in litigation. Furthermore, the Division may renew a permit after the 60 days for good and sufficient cause.

(6) A wholesale dealer permit, exporter permit, or cigarette distributing agent permit may not be transferred to a new owner.

(7) The Division may allow a permit to be moved to another location. To request that a permit be moved, a permit holder must follow the procedure set out in paragraph 61A-10.084(1)(b), F.A.C.

(8) If requested and upon application for a permit, the Division shall issue an initial temporary permit to any new applicant who has filed a complete application which does not on its face provide for denying a permit. The initial temporary permit will be valid for up to 90 days and may be extended by the Division for up to an additional 90 days. If the applicant is denied a permit, the initial temporary permit will cease to be valid on that date. The initial temporary permit fee is \$100, which is separate from the permit fee and which shall be submitted to the Division upon request of the initial temporary permit.

Specific Authority 210.10, 210.15 FS, Law Implemented 210.01, 210.15, 210.151, 210.1605 FS, History--New _____.

61A-10.082 Application for a Tobacco Products Wholesale Dealer Permit.

(1) A tobacco products wholesale dealer permit is required by any entity acting as a distributor as defined in subsection 61A-10.050(2), F.A.C. and Section 210.25(4), Florida Statutes 2005.

(2) In order to be permitted as a tobacco products wholesale dealer, or to make changes to an existing permit, a completed application must be submitted to and approved by the Division. A completed application shall consist of the following:

(a) Properly executed application on form, DBPR ABT-6005 Application for Tobacco Products Wholesale Dealer's Permit, incorporated herein by reference and effective (____).

(b) Payment of the permit fee of \$25.

(c) If the location for any permit is in the state, the applicant must submit to the Division a sketch of the premises along with a right of occupancy for the location.

(d) Submission of a surety bond issued by a surety company authorized to do business in Florida in the amount of no less than \$1,000. The Division shall have discretion in requiring a larger bond amount if the minimum is insufficient to fully protect the state.

(3) A separate and complete application must be made for each place of business the distributor proposes to engage in business. The applicant may provide the Division with one bond in an amount determined by the Division for all applications made by the distributor.

(4) The permit shall expire on June 30th of each year. The Department of Business and Professional Regulation will send out renewal notices to permittees prior to the expiration of the permit. The permittee shall comply with the terms of the renewal notice and submit the renewal fee of \$25 prior to July 1st of each year. It is the permittee's responsibility to timely renew a permit. Failure to receive the renewal notice from the Department of Business and Professional Regulation shall not excuse a permittee from penalties associated with late renewal.

(5) The Division shall assess delinquent renewal penalties on permit holders who fail to timely renew their permits. The Division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the Division prior to the permit being renewed. A penalty of \$20 will be assessed for each month or part of a month of such delinquency. Any permit not renewed within 60 days of its expiration shall be cancelled by the Division, unless the permit is involved in litigation. Furthermore, the Division may renew a permit after the 60 days for good and sufficient cause.

(6) A tobacco products wholesale dealer's permit may not be transferred to a new owner. An attempt to transfer the permit will result in automatic expiration.

(7) If requested and upon application for a permit, the Division shall issue an initial temporary permit to any new applicant who has filed a complete application which does not on its face provide reason for denying a permit. The initial temporary permit will be valid for up to 90 days and may be extended by the Division for up to an additional 90 days. If the applicant is denied a permit, the initial temporary permit will cease to be valid on that date. The initial temporary permit fee is \$25, which is separate from the permanent permit fee and which shall be submitted to the Division upon request of the initial temporary permit.

Specific Authority 210.75 FS. Law Implemented 210.25, 210.35, 210.40, 210.405, 210.45, 210.51 FS. History—New _____.

61A-10.083 Application for Retail Tobacco Products Dealer Permit.

(1) For this section the term retail tobacco products dealer shall refer to the definition provided by Section 569.002(4), Florida Statutes. For this section the term tobacco products shall refer to the definition provided by Section 569.002(6), Florida Statutes. A tobacco products retail dealer permit is required to sell cigarettes and tobacco products at retail.

(2) In order to be permitted as a retail dealer, or to make changes to an existing tobacco products retail dealer permit, the applicant or permit holder must do one of the following:

(a) Retail dealers only interested in applying for a retail dealer tobacco products permit must submit form DBPR ABT-6028, Application for Retail Tobacco Products Dealer Permit, incorporated herein by reference and effective (____); or:

(b) Retail dealers interested in applying for both a tobacco products permit and an alcoholic beverage license simultaneously must complete and submit form DBPR ABT 6001, Application for Alcoholic Beverage License and Tobacco Permit, as referenced in Rule 61A-5.700, F.A.C.; or

(c) Retail dealers interested in applying for multiple permits or to make changes thereto must complete and submit form DBPR ABT 6028 Application for Retail Tobacco Products Dealer Permit, incorporated herein by reference and effective (____).

(3) The fee for a new tobacco products retail dealer permit shall be \$50.

(a) For applicants applying under paragraph (1)(a) of this rule, the \$50 fee must be paid when the application is submitted to the Division.

(b) Applicants applying under paragraph (1)(b) of this rule must submit the \$50 fee once the application has been approved by the Division. The Division will notify the applicant of their approval and will invoice the applicant for the cigarette and tobacco products retail dealer permit.

(4) The terms "place of business", "place", "the premises", "location", "single location" and "permitted premises" are synonymous. Place of business is defined as rooms where tobacco products are stored or sold or kept for the purpose of sale or consumption.

(a) Where sales of tobacco products are conducted through a vending machine, the premises shall include the place where the vending machine is located and any such vending machine including the area within the unobstructed line of sight of the dealer, or the dealer's agent or employee responsible for preventing sales to persons under 18 years of age.

(b) Where sales of tobacco products are conducted from a cart or person moving about, the place of business and/or the premises shall include any such conveyance.

(c) A theme park complex, a hotel or resort complex, a stadium, an airport facility and the like will be considered a "single location" when all buildings or structures are owned, managed, controlled or operated under one business name and are situated on the same tract or plot of land that is not separated by a public street or highway.

(d) Itinerant stores, industrial caterers, trains, steamships and similar vehicles and vessels may be permitted for the retail sale of cigarette and tobacco products with the vehicle or vessel being designated as the place of business. In any such case, the location address shall be the office or homeport address in this state where the vehicle or vessel is domiciled.

(5)(a) The permit year for a retail tobacco products dealer permit shall be from January 15 through the following January 15 of each year and shall not be pro rated except as follows:

(b) The permit year for a retail tobacco products dealer permit shall be changed in order that the alcoholic beverage license and the tobacco permit may be renewed simultaneously. A person who is both an alcoholic beverage licensee and a retail tobacco products dealer permit holder will have a permit year commensurate with the alcoholic beverage license year. The retail tobacco products dealer permit will be renewed at a charge of \$50 and the permit year shall commensurate with the license year of the alcoholic beverage license which is either April 1 through March 31 or October 1 through September 30 as specified by county.

(6) A cigarette and tobacco products retail dealer permit may not be transferred to a new owner.

(7) The Division shall issue at the request of the applicant a temporary retail tobacco products permit whenever an applicant is also filing a temporary alcoholic beverage license of any kind. There shall be no fee for the issuance of the temporary retail tobacco products dealer permit.

(8) If a permit is lost or destroyed, a retail tobacco products permit holder may apply to the Division for the issuance of a duplicate permit. This request shall be in the form of an affidavit advising that the permit has been lost or destroyed and shall be accompanied by payment of a \$15 fee.

(9) Prior to the expiration of the permit, the Department of Business and Professional Regulation will send permittees a renewal notice. The permittee shall comply with the terms of the renewal notice and submit a renewal fee of \$50 prior to the permit expiration date. It is the permittee's responsibility to timely renew a permit. Failure to receive the renewal notice from the Department of Business and Professional Regulation shall not excuse a permittee from penalties associated with late renewal.

(10) The Division shall assess delinquent renewal penalties on permit holders who fail to timely renew their permits. The Division will use the postmark date as evidence of delinquency. Any renewal postmarked after the due date will

be considered delinquent and must pay the applicable delinquent renewal penalty in addition to the renewal fee to the Division prior to the permit being renewed. A penalty of \$5 will be assessed for each month or part of a month of such delinquency.

Specific Authority 569.009 FS. Law Implemented 569.002, 569.003 FS. History--New _____.

61A-10.084 Permit Changes.

(1) Any permittee desiring to make a change in the business name and/or the location of the place of business must secure a supplemental permit reflecting the new business name and/or location prior to initiating the change. Application for such supplemental permits must be made to the Division on the appropriate forms.

(a) To request a change of business name or change of mailing address, a permittee must complete and submit DBPR form ABT-6009 Change of Business Name or Change of Mailing Address Application, incorporated herein by reference and effective (_____), to the Division.

(b) To make changes to a permit not covered by paragraph (a), the permittee shall submit a complete application to the Division as specified in Rules 61A-10.080, 61A-10.081, and 61A-10.082, F.A.C.

(2) Any wholesale dealer, distributing agent, or exporter desiring to make any changes in business name and/or location must furnish the Division with satisfactory evidence that the bond covering the wholesale dealer's, distributing agent's or exporter's business has been properly changed to reflect the new business name and/or place of business.

Specific Authority 210.10 FS. Law Implemented 210.15 FS. History--New _____.

61A-10.085 Duplicate License Request.

Any permittee desiring to replace a lost or destroyed permit, may make a request to the Division for the issuance of a duplicate permit. This request shall be in the form of an affidavit advising that the permit has been lost or destroyed.

Specific Authority 20.165, 120.536, 210.10, 455.2035, 569.009 FS. Law Implemented 210.15, 455.219, 569.003 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Marie Carpenter, Auditing Bureau Chief, Division of Alcoholic Beverages and Tobacco, 1940 North Monroe Street, Suite 42, Tallahassee, Florida 32399, (850)488-3227

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Pat Wilson Parmer, Division Director, Alcoholic Beverages and Tobacco

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 22, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 2, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE TITLE: RULE NO.:
 Procedures for Signing and Sealing
 Electronically Transmitted Plans,
 Specifications, Reports or
 Other Documents 61G1-16.005

PURPOSE AND EFFECT: The Board proposes to create this rule to specify the procedures for signing and sealing electronically transmitted plans, specifications, reports, or other documents.

SUMMARY: The rule specifies the procedures for signing and sealing electronically transmitted plans, specifications, reports, or other documents.

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: 481.2055, 481.221(2),(3) FS.

LAW IMPLEMENTED: 481.221(2),(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0783

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-16.005 Procedures for Signing and Sealing Electronically Transmitted Plans, Specifications, Reports or Other Documents.

(1) Information stored in electronic files representing plans, specifications, plans, reports, or other documents which must be sealed under the provisions of Chapter 481, F.S., shall be signed, dated and sealed by the architect or interior designer in responsible charge.

(2) Electronic files may be signed and sealed by creating a "signature" file that contains the architect's or interior designer's name and license number, a brief overall description of the documents, and a list of the electronic files to be sealed. Each file in the list shall be identified by its file name utilizing relative Uniform Resource Locators (URL) syntax described in the Internet Architecture Board's Request for Comments (RFC) 1738, December 1994, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: ftp://ftp.isi.edu/in_notes/rfc1738.txt. Each file shall have an authentication code defined as an

SHA_1 message digest described in Federal Information Processing Standard Publication 180_1 "Secure Hash Standard." 1995 April 17, which is hereby adopted and incorporated by reference by the Board and can be obtained from the Internet Website: http://www.itl.nist.gov/fipspubs/fip180_1.htm. A report shall be created that contains the architect's or interior designer's license number, a brief overall description of the documents in question and the authentication code of the signature file. This report shall be printed and manually signed, dated, and sealed by the architect or interior designer in responsible charge. The signature file is defined as sealed if its authentication code matches the authentication code on the printed, manually signed, dated and sealed report. Each electronic file listed in a sealed signature file is defined as sealed if the listed authentication code matches the file's computed authentication code.

Specific Authority 481.2055, 481.221(2),(3) FS. Law Implemented 481.221(2),(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 29, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE TITLE: RULE NO.:
 Written Examination for Swimming
 Pool Specialty Contractors 61G4-16.0021

PURPOSE AND EFFECT: The proposed new rule is intended to describe written examinations for Swimming Pool Specialty Contractors.

SUMMARY: The proposed new rule provides content of written examinations for Swimming Pool Specialty Contractors.

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: 120.53, 455.217(1), 489.113(6), 489.115(5) FS.

LAW IMPLEMENTED: 455.217(1), 489.113(6), 489.115(5) 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: Tim Vaccaro, Executive Director, Construction Industry Licensing Board, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G4-16.0021 Written Examination for Swimming Pool Specialty Contractors.

(1) The examination for licensure for any category of swimming pool specialty contractor as specified in Rule 61G4-15.032, F.A.C., shall consist of a written examination or until January 1, 2008, a practical examination. The written examination shall test the applicant's ability to perform the scope of work for the category of swimming pool specialty contractor for which the applicant applied.

(2) Requirements for all written Swimming Pool Specialty Contractor Examinations. Each examination must test the following areas:

(a) 15% Reading, understanding, and interpreting scaled pool construction plans and surveys.

(b) 5% Understanding and complying with job-site safety requirements.

(c) 5% Handling and properly disposing of hazardous materials.

(d) 5% Recognizing the tools required to do the job and exhibit the ability to properly use those tools.

(3) Additional test areas for each category of swimming pool specialty contractor examination are as follows:

(a) Swimming Pool Layout Specialty Contractors. The examination for swimming pool layout specialty contractors shall evaluate the following areas:

1. 8% Accurate location of a base line or center line of the pool with reference to fixed objects shown on the layout plan.

2. 8% Lay out of pool, including proper leveling techniques for the shell to plus or minus 1/4th inch and verifying the calculations to accommodate the coping or deck edge trim, finished deck elevation and existing patios, floors, and landscape.

3. 5% Verifying lay out calculations to accommodate anticipated water runoff (drainage).

4. 5% Understanding effective methods of managing ground water (dewatering).

5. 8% Understanding excavation in accordance with plans and specifications and back up methods in the event of a cave in.

6. 8% Placing and stabilizing forms.

7. 8% Piping, fittings and proper solvent weld procedures.

8. 15% Understanding the installation of structural steel in accordance with the plan and code requirements.

(a) 5% Modification of bond beam steel.

(b) Swimming Pool Structural Specialty Contractor. The examination for swimming pool structural specialty contractors shall evaluate the following areas:

1. 10% Use of guide wires or piano wire.

2. 5% Proper use of concrete pump and air compressor for installation of pneumatically applied concrete.

3. 10% Inspection of forms, wall fittings, drains, light niches, steel placement.

4. 10% The properties of concrete, including slump and the use of samples.

5. 15% Proper use of gunite or shotcrete placement on pool walls and floors, including finishing techniques.

6. 10% Knowledge of dimensional requirements for features such as steps and benches.

7. 10% The ability to read and understand manufacturer's installation instructions for fiberglass and/or vinyl liner pool structures.

(c) Examination for Swimming Pool Excavation Specialty Contractor. The examination for swimming pool excavation specialty contractor shall evaluate the following areas:

1. 5% Site preparation.

2. 10% effective methods of managing ground water (dewatering).

3. 10% Operation of excavation machines.

4. 20% Angle of repose and shoring requirements.

5. 10% Understanding of different soil conditions.

6. 5% Proper placement of excavated materials.

7. 10% Backfill and compact of fill material.

(d) Examination for Swimming Pool Trim Specialty Contractor. The examination for swimming pool trim specialty contractors shall evaluate the following areas:

1. 5% Preparation and use of "brown coat" or "parge" mix.

2. 15% Methods of setting a vertical waterline tile job with horizontal alignment of plus or minus 1/8 inch.

3. 10% Proper installation procedures for tile and water features per manufacturer's instructions, including step edge tile.

4. 15% Leveling the top of the beam(s) to plus or minus 1/8 inch.

5. 10% Use of bullnose brick as the pool coping, including miter joints in the coping.

6. 5% Custom grout color.

7. 5% Proper cleaning of tile and coping to remove masonry stains.

8. 5% Understand effective methods of managing ground water (dewatering).

(e) Examination for Swimming Pool Decking Specialty Contractor. The examination for swimming pool decking specialty contractors shall evaluate the following areas:

1. 5% Operation of an under-pool dewatering system.

2. 5% Layout of deck, including verification of angles and deck dimensions.

3. 5% Calculations to accommodate anticipated water runoff (drainage). And installation of a deck drainage system.

4. 5% Understanding of backfill and compaction procedures for sub-deck materials.

5. 5% Understanding the properties of concrete and calculation of the amount of concrete required for the job.

6. 5% Understanding proper elevation and pitch requirements to insure proper drainage.

7. 5% Understanding accurate angles and locate pin points.

8. 5% Understanding reinforcement requirements for concrete.

9. 10% Proper placement and finishing procedures for concrete.

10. 5% Understanding of thermal expansion and contraction of concrete and methods to accommodate it.

11. 5% Removal and disposition of concrete forms and forming materials.

12. 5% Setting anchors, ladders, and handrails.

13. 5% Pressurized piping procedures and maintenance.

(f) Examination for Swimming Pool Piping Specialty Contractor. The examination for swimming pool piping specialty contractors shall evaluate the following areas:

1. 10% Swimming pool piping plan.

2. 15% Proper handling and solvent welding of PVC.

3. 10% Understanding of the different applications for different solvent weld cements.

4. 10% Proper testing and pressurization procedures for pool piping systems.

5. 25% Proper installation procedures for pool piping, circulation, sanitation, filtration, hydraulics and venting and related equipment in accordance with manufacturer's instructions.

(g) Examination for Swimming Pool Finishes Specialty Contractor. The practical examination for swimming pool finishes specialty contractors shall evaluate the following areas:

1. 10% Operation of under-pool dewatering systems.

2. 10% Proper shell preparation.

3. 5% Installing and repairing step or underwater bench trim tile.

4. 15% Plaster mixtures, including admixtures.

5. 20% Proper application of finish to a swimming pool structure.

6. 10% Demonstrate an understanding of application and filling procedures per manufacturer's instructions to insure a clean smooth finish and a watertight condition.

(4) The score necessary to achieve a passing grade on any swimming pool specialty contractors examination shall be no less than seventy (70) percent out of one hundred (100) percent of the total possible points on the examination.

Specific Authority 120.53, 455.217(1), 489.113(6), 489.115(5) FS. Law Implemented 120.53, 455.217(1), 489.113(6), 489.115(5) FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Construction Industry Licensing Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 11, 2005

DATE NOTICED OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005; The rule number, in the notice of proposed rule development, was originally published as 61G4-16.002

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Notification of Address Change

RULE NO.: 61H1-26.005

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the licensee's responsibility regarding address changes with the Board office.

SUMMARY: The rule amendment clarifies the licensee's responsibility for updating address changes with the Board office.

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

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

SPECIFIC AUTHORITY: 473.304 FS.

LAW IMPLEMENTED: 473.304 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-26.005 Notification of Address Change.

(1) through (2) No change.

(3) ~~It is~~ If the licensee's responsibility to verify ~~does not receive written confirmation~~ that the Board's records have been updated. ~~If the records have not been updated, it is the responsibility of~~ changed then the licensee is put on notice that the Board did not receive the change notice and it is the licensee's responsibility to send another notice.

Specific Authority 473.304 FS. Law Implemented 473.304 FS. History--New 12-2-92, Formerly 21A-26.005, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2005

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: College or University Requirements

RULE NO.: 61H1-27.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to change the name of the agency regulating the accredited school or college from the Florida State Board of Independent Colleges and Universities to the Commission for Independent Education; amendment adds Ireland to a list of countries for approval for its college or university accounting programs.

SUMMARY: The name of the regulating agency will be changed from the Florida State Board of Independent Colleges and Universities to the Commission for Independent Education; Ireland will be added to a list of countries for approval of its accounting programs.

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

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

SPECIFIC AUTHORITY: 473.304, 473.306 FS.

LAW IMPLEMENTED: 473.306 FS.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-27.001 College or University Requirements

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

(g) Association of Independent Colleges and Schools.

After August 2, 1992, the Association of Independent Colleges and Schools (AICS) will no longer be deemed an acceptable accrediting agency, unless the college or school accredited by the AICS is regulated by the Commission for Independent Education (CIE) ~~Florida State Board of Independent Colleges and Universities (FSBICU)~~ and exempted from licensure by the CIE ~~FSBICU~~ under the provisions of Section 1005.22, F.S.

(h) Canadian, Mexican, Ireland and Australian academic accounting programs approved by the provincial education bodies or the equivalent educational accreditation body for that country.

(2) through (5)(b) No change.

Specific Authority 473.304, 473.306 FS. Law Implemented 473.306 FS. History--New 12-4-79, Amended 2-3-81, 3-21-84, 10-28-85, Formerly 21A-27.01, Amended 4-8-86, 9-1-87, 8-25-88, 12-28-89, 3-29-90, Formerly 21A-27.001, Amended 1-11-95, 5-11-03, 3-21-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Accountancy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Accountancy

RULE TITLE: Fees

RULE NO.: 61H1-31.001

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete the language regarding examination fee refundability.

SUMMARY: When an applicant is found to be ineligible to sit for the examination, the fee for the examination is no longer refundable.

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

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

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

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

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

61H1-31.001 Fees.

(1) through (7) No change.

~~(8) The fee for the examination is refundable in the amount of fifty dollars (\$50.00) per part if the applicant is found to be ineligible to sit for the examination.~~

~~(8)(9)~~ For fees relating to the Foreign Language Examination refer to Section 455.11, F.S.

~~(9)(10)~~ The scan sheet for the Laws and Rules Examination must be postmarked or completed on-line by or on December 31. No Laws and Rules Examination scan sheet will be accepted if it is postmarked or completed on-line after December 31.

~~(10)(11)~~ The CPE reporting form must be postmarked by or on July 15. If it is postmarked or completed on-line after July 15 but by or on December 31, a \$50 delinquency fee will be imposed by the Board. No CPE reporting form will be accepted if it is postmarked or completed on-line after December 31.

~~(11)(12)~~ Duplicate licensee fee – If a licensee requests a duplicate license, the Board will issue the duplicate if the request is made in writing and is accompanied by a payment of \$25.

Specific Authority 455.213(2), 455.219(4), 455.271, 473.305, 475.312 FS. Law Implemented 119.07, 455.219(4), 455.271, 473.305, 473.312, 473.313 FS. History—New 12-4-79, Amended 2-3-81, 3-4-82, 11-6-83, 3-29-84, Formerly 21A-31.01, Amended 6-4-86, 9-16-87, 2-1-88, 8-30-88, 2-6-89, 12-18-89, 12-28-89, 8-16-90, 4-8-92, 12-2-92, Formerly 21A-31.001, Amended 11-4-93, 2-14-95, 11-3-97, 6-22-98, 10-28-98, 7-15-99, 4-3-02, 1-27-04, 1-31-05, 7-14-05.

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: October 7, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 28, 2005

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER TITLE: Firefighter Employment Standards

RULE CHAPTER NO.: 69A-62

RULE TITLE: General Guidelines for Firefighter

RULE NO.:

Employer Comprehensive Safety and Health Programs 69A-62.021

PURPOSE AND EFFECT: All fire departments must have a safety and health program in place. Fire departments found to be in violation of any part of the rules pertaining to firefighter safety must also have a remediation plan, in addition to the safety and health program.

SUMMARY: Fire departments must have safety and health programs and remediation plans must be in place for fire departments in violation of any part of the firefighter safety and health rules.

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

Any person who wishes to provide information regarding the statement of 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 HELD AT THE TIME, DATE AND PLACE SHOWN BELOW. IF A HEARING IS NOT REQUESTED, NO HEARING WILL BE HELD.

TIME AND DATE: 9:00 a.m., February 13, 2006

PLACE: Conference Room, 3rd Floor, The Atrium, 325 John Knox Road, Tallahassee, Florida 32303

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0342, (850)413-3688

Pursuant to the provisions of the Americans with Disabilities Act and Section 286.26, Florida Statutes, any person requiring special accommodations to participate in this program, please advise the Department at least 48 hours before the program by contacting: Carla Graham, (850)413-3724.

THE FULL TEXT OF THE PROPOSED RULE IS:

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

The following are the guidelines for a Firefighter Employer Comprehensive Safety and Health Program. These guidelines shall be used by all firefighter employers ~~that are notified by the division that they have a high frequency or severity of workers' compensation claims to prepare their Firefighter Employer Comprehensive Safety and Health Remediation Plan.~~

(1) through (7) No change.

Specific Authority 633.821 FS. Law Implemented 633.821 FS. History--New 9-6-04, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Dave Casey, Chief, Bureau of Fire Standards and Training, Florida State Fire College, 11655 N. W. Gainesville Road, Ocala, Florida, (352)369-2800

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Randall Napoli, Director, Division of State Fire Marshal, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2005

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

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE TITLES: Calculation of Premium Rates
Employee Health Care Access Act

RULE NOS.: 690-149.037

Statement Reporting Requirement 690-149.038

PURPOSE, EFFECT AND SUMMARY: The proposed rules: (1) require insurers to submit small group rate filings to the Office of Insurance Regulation that comply with the revised maximum 5-year age bands; (2) clarify experience to be included in the biennial reporting requirements regarding the underwriting impact of using +/- 15% in the small group market; and (3) specify how appropriate COBRA rates should be determined.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: None.

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

SPECIFIC AUTHORITY: 624.308(1), 627.6699(5)(i)4., (6),(16), 627.9175 FS.

LAW IMPLEMENTED: 624.424(6), 627.410, 627.6692, 627.6699, 627.9175 FS.

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

TIME AND DATE: 9:30 a.m., February 13, 2006

PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Frank Dino, Life and Health Product Review, Office of Insurance Regulation, e-mail: Frank.Dino@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-149.037 Calculation of Premium Rates.

(1) through (3) No change.

(4) Rate filing requirements –

(a) Modified Community Rating. Premium schedules for benefit plans offered to small employer groups shall be based solely on the following categories and factors applicable to eligible ~~of the~~ employees, without regard to the nature of the employer group.

1.(a) Age Factors Categories. Employee age shall be determined as of the date of issue and each subsequent renewal date thereafter as defined in the policy and certificate. If not explicitly defined in the contract, age shall be the attained age as of the date of issue or renewal of the certificate.

a. Age Categories Effective Prior to October 1, 2006.

(I) < 30 years of age

(II) 30-39 years of age

(III) 40-49 years of age

(IV) 50-54 years of age

(V) 55-59 years of age

(VI) 60-64 years of age

(VII) 65 & above years of age – Medicare is Primary

(VIII) 65 & above years of age – Health Plan is Primary

b. Age Categories Effective On or After October 1, 2006.

(I) < 24 years of age

(II) 25-29 years of age

(III) 30-34 years of age

(IV) 35-39 years of age

- (V) 40-44 years of age
- (VI) 45-49 years of age
- (VII) 50-54 years of age
- (VIII) 55-59 years of age
- (IX) 60-64 years of age
- (X) 65 & above years of age – Medicare is Primary
- (XI) 65 & above years of age – Health Plan is Primary

c. The rate for the age 65 & above – Medicare is Primary category shall be applicable when both employee and spouse are enrolled in Medicare. If one is enrolled and one is not, regardless of which spouse is the employee, the rate charged shall be adjusted to reflect the reduction of exposure due to the fact that one spouse is enrolled in Medicare. The rate shall be determined assuming that one individual is enrolled in Medicare. The rate for the individual enrolled in Medicare will be isolated, multiplied by the Medicare is Primary to the Health Plan is Primary ratio, and then added back to the portion of the rate that is not Medicare primary. Samples of illustrative calculations are as follows and other combinations should be calculated in a similar manner:

(I) For employee + spouse coverage where Medicare is the primary coverage for the spouse – The difference between the employee + spouse rate where the Health plan is primary and the employee only rate where the Health Plan is Primary shall be determined. This value shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare is Primary rate divided by the Health Plan is Primary rate. This resulting rate shall be added to the employee only rate.

(II) For family coverage – The difference between the family rate and the employee + dependent rate shall be determined. This difference shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare is Primary rate divided by the Health Plan is Primary rate. This resulting rate shall be added to the employee + dependent only rate.

- 1. < 30
- 2. 30-39
- 3. 40-49
- 4. 50-54
- 5. 55-59
- 6. 60-64
- 7. 65 & above – Medicare is Primary
- 8. 65 & above – Health Plan is Primary

2.(b)1. Gender/Family Composition Factors. Rating Categories

- a. Gender/Family Composition Categories.
- (I)a. Employee – Male
 - (II)b. Employee – Female
 - (III)e. Employee – Male – Dependent Children

- (IV)d. Employee – Female – Dependent Children
- (V)e. Employee – Spouse
- (VI)f. Employee – Spouse – Dependent Children

b2. For both the employee with spouse plus dependent children category and the employee with dependent children category, companies may include up to three 3 optional dependent children categories are permitted: 1, 2 and 3 or more dependent children for companies for both the employee with family and the employee with dependent children categories.

c.3. At the option of the company, dependent only categories.

4. The rate required by subparagraph (4)(a)7. above shall be applicable when both employee and spouse are enrolled in Medicare. If one is enrolled and one is not, regardless of which spouse is the employee, the rate charged shall be adjusted to reflect the reduction of exposure due to the fact that one spouse is enrolled in Medicare. The rate shall be determined assuming that one individual is enrolled in Medicare. The rate for the individual enrolled in Medicare will be isolated, multiplied by the Medicare primary to Medicare secondary ratio, and then added back to the portion of the rate that is not Medicare primary. A sample illustrative calculation follows; other combinations should be calculated in a similar manner:

a. For employee + spouse coverage where the spouse is Medicare primary – The difference between the employee + spouse Medicare secondary rate and the employee only Medicare secondary rate shall be determined. This shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare primary rate divided by the Health plan primary rate. This resulting rate shall be added to the employee only rate.

b. For family coverage – The difference between the family rate and the employee + dependent rate shall be determined. This shall reflect the implied spouse rate. This implied spouse rate shall be multiplied by the ratio of the Medicare primary rate divided by the Health plan primary rate. This resulting rate shall be added to the employee + dependent only rate.

3.(e) Area Factors by County.

4.(d) Tobacco Usage Factor (>1, base rates are for non-tobacco user).

5.(e) Effective Date and Trend Adjustment Factor. The premium schedule may be adjusted based on a medical trend table, approved pursuant to Part I of this rule chapter, reflecting the period of time from the date the rate schedule is effective to the anniversary date of the new or renewing group for medical trend adjustment.

(b) CARES. Small group standard and basic product rates must be filed on a 2-50 life basis using the Rate Collection Systems (CARES).

(5) through (7) No change.

(8) Calculation of COBRA Rates. The premium paid for continuation of coverage may not exceed 115 percent of the group rate for groups that consist of fewer than 20 employees as permitted by Section 627.6692(5)(f), F.S., and 102 percent for groups with 20 or more employees as provided by Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C.A. § 1162(2005). The additional rate indicated above, i.e., 15 percent and 2 percent shall be hereinafter referred to as the applicable load.

(a) Qualified beneficiaries, as defined in Section 627.6692(4)(f), F.S., electing continuation of coverage shall be charged the group rate applicable to the qualified beneficiary on the day before the qualifying event, as increased by the applicable load. Whenever the small employer group's rates change, generally on the group's anniversary, the rate subsequently charged to the qualified beneficiary for the continuation of coverage will be based on the small employer group's rate which the qualified beneficiary would have been charged if the qualified beneficiary had remained within the group. If the qualified beneficiary electing continuation of coverage is a spouse or dependent of the covered employee, and the covered employee remains in the group, the rate charged to the covered employee shall be adjusted to reflect the reduction of risk exposure to the company, e.g., the group's rate applicable after the demographic change. The rate charged for the spouse or dependent shall be isolated from the group's rate and multiplied by a factor, not to exceed one plus the applicable load, to determine the COBRA rate. Samples of illustrative calculations are as follows and other combinations should be calculated in a similar manner:

1. For employee + dependent coverage when the dependent is electing continuation of coverage, the difference between the employee + dependent rate and the employee only rate shall be determined. This difference shall then be divided by the average number of dependents used by the carrier in developing the rate schedule. This value shall reflect the implied single dependent rate. To determine the COBRA rate, the implied dependent rate shall be multiplied by a factor that does not exceed the applicable load. The employee shall be charged the group employee only rate.

2. For family coverage where the dependent is electing continuation of coverage, the difference between the family rate and the employee + spouse only rate shall be determined. This difference shall then be divided by the average number of dependents used by the carrier in developing the rate schedule. This value shall reflect the implied-single dependent rate. To determine the COBRA rate, the implied single dependent rate shall be multiplied by a factor that does not exceed the applicable load. The employee shall be charged the group rate applicable to the remaining covered lives in the group, e.g., if the remaining covered lives are the employee, spouse and

another dependent, then the family rate would be charged. If the remaining covered lives are only the employee and spouse, then the employee + spouse rate would be charged.

3. If a small employer carrier uses optional dependent children categories as provided by sub-subparagraph (4)(a)2.b. above, the dependent rate shall be directly determined by calculating the difference between the two family tier rates, e.g., a rate with two dependents minus the rate with one dependent shall determine the single dependent rate.

(b) COBRA rates do not need to be filed unless the small employer carrier seeks to utilize a different rating methodology other than the one described above.

Specific Authority 624.308(1), 624.424(1)(c), 627.6699(16) FS. Law Implemented 627.410, 627.6692, 627.6699(3),(6),(12)(e),(13)(i) FS. History--New 3-1-93, Amended 11-7-93, 5-11-94, 4-23-95, 8-4-02, 6-19-03, Formerly 4-149.037, Amended _____

69O-149.038 Employee Health Care Access Act Statement Reporting Requirement.

(1) through (2) No change.

(3)(a)1. All small employer carriers utilizing rating adjustments pursuant to subsection 69O-149.037(6), F.A.C., shall make semiannual reports that reflect their experience from January 1 through June 30 and from July 1 through December 31 of each year. The reports shall be filed with the Office, pursuant to paragraph 69O-149.044(2)(b), F.A.C., within 45 days following the last day of the reporting period using Form OIR-B2-1575, "Small Employer Group Underwriting Experience Report Form" adopted in Rule 69O-149.044, F.A.C.

2. The experience of any group category that is not subject to underwriting, such as 1-life groups, shall not be included in the report.

(b) through (d) No change.

Specific Authority 627.6699(5)(i)4.,(6),(16), 627.9175 FS. Law Implemented 624.424(6), 627.6699, 627.6699(5)(i),(6)(b)5.,(8)(b), 627.9175 FS. History--New 3-1-93, Amended 11-7-93, 8-4-02, 6-19-03, Formerly 4-149.038, Amended 5-18-04, 3-24-05, 9-15-05, _____

NAME OF PERSON ORIGINATING PROPOSED RULE: Frank Dino, Actuary, Life and Health Product Review, 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: August 23, 2005

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 14, 2005

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF STATE

RULE NO.: RULE TITLE:
1-2.0021 Use of the Seal of the State of
 Florida

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)(1), F.S., published in Vol. 31, No. 44, November 4, issue of the Florida Administrative Weekly.

1-2.0021 Use of the Seal of the State of Florida.

(1) No person, without express written authorization from the Department, shall manufacture, use, display or otherwise employ a facsimile or reproduction of the Great Seal of the State of Florida (Great Seal or Seal), except as provided in this rule.

(2) Any person desiring to obtain approval from the Department for the manufacture or use of a the facsimile or reproduction of the Great Seal shall make application on the form prescribed by the Department. The form, Application for Manufacture or Use of the Great Seal of the State of Florida, Form DS-19, effective 2/06 5/96, is incorporated by reference herein and is available from the Office of the Secretary.

(3) Department approval for use of the Great Seal is for a term of 4 years, unless otherwise stated by the Department, and can be renewed upon the completion and approval of a new application.

(4)(3) Applications and supporting documents shall be filed with the Office of the General Counsel, Department of State, R. A. Gray Building, 500 South Bronough Street LL-10, The Capitol, Tallahassee, Florida 32399-0250. For manufactured items, a separate application for each unique item to be manufactured shall be required.

(5) Definitions. The following words shall have the following meanings for the purposes of this rule:

(a) "Political or campaign purposes" shall include all uses related to a past, present, or future political campaign;

(b) "Official government stationery" means stationery intended for use by a state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(c) "Official government business cards" means business cards in use by a current state governmental agency when specific written approval for use of the Great Seal has been granted by the head of that agency;

(d) "State governmental agency" includes entities defined by subsections 120.52(1) and (2), F.S., but not including subparagraph 120.52(1)(b)8., F.S., and authorized staff members of those entities;

(e) "Local governmental agency" includes any local governmental agency, including counties, municipalities, special districts or other separate units of local government created or established by law, and authorized staff members of such entities;

(f) "Official government publications" are publications published by or on behalf of the State of Florida;

(g) "Publications serving a governmental purpose" are those publications not published by the State of Florida, which the Department of State, within its discretion, determines are of significant interest to the state, including but not limited to educational publications, where use of the Great Seal would not mislead the public to believe that the publication carries official State sanction or approval.

(6)(4) Standards for Approval. A non-transferable letter of authority, which is not transferable, may be issued to the applicant if the applicant affirmatively demonstrates to the Department that the Great Seal will be used for a proper purpose. In order to determine what constitutes a proper purpose, the Department shall consider, at a minimum, the following:

- (a) The specific item to be manufactured;
- (b) The manner in which the Great Seal is to be displayed on the item to be manufactured;
- (c) The nature of the proposed use, including manner, purpose and place of use;
- (d) Whether the public would tend to be misled by the appearance of the Great Seal on the product to believe that the product carries official State sanction or approval;

(e) Whether the use of the Great Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;

(f) Whether the dignity of the Great Seal will be preserved if approval is granted;

(g) Whether the requested use of the Great Seal will promote a specific State interest.

(7)(5) In no event shall approval be given for the use of the Great Seal for the following:

- (a) Political or campaign purposes;
- (b) Stationery other than official government stationery;
- (c) Decorative automobile license tags;
- (d) Business cards other than official government business cards;
- (e) Designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;

submission of a notification pursuant to EPCRA s. 302. Use of Form HMP-05-00 is required for submission of an annual inventory form pursuant to EPCRA Chapters 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-09-00 is required for submission of a request for a refund for overpayment of fees or for fees paid in error pursuant to Rule 9G-14.007, F.A.C. Use of Form HMP-10-00 is required for electronic transmission of an annual inventory report pursuant to EPCRA s. 312 and 324 and subsection 252.88(3), F.S. Use of Form HMP-11-00 is required for providing certification of accuracy for electronic transmission filings. Use of Form ~~HMP-08-00~~ HMP-08-98 is required for submission of an annual inventory report or alternate threshold filing fee submitted pursuant to EPCRA s. 313. These forms are available at no charge from the Department of Community Affairs, Division of Emergency Management, Bureau of Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399.

FORM NO.	SUBJECT	EFFECTIVE DATE
HMP-01-98	Section 302 – Emergency Planning Notification, Revised 7-1-05	
HMP-02-00	Annual Registration Form, Revised 7-1-05	
HMP-05-00	Tier Two Form (with instructions), Revised 7-1-05	
HMP-06-95	Confidential Location Information Sheet, Revised 7-1-05	
HMP-08-00	Toxic Chemical Release Inventory Fee Form, Revised 7-1-05	
HMP-09-00	<u>State of Florida, Department of Financial Services, Application for Refund Refund Application Form</u> , Revised 7-1-05	
HMP-10-00	Electronic Tier Two Form (with instructions), Revised 7-1-05	
HMP-11-00	Tier Two Certification Statement Form, Revised 7-1-05	

Specific Authority 120.53, 252.83(1) FS. Law Implemented 120.53, 215.26, 252.84, 252.85 FS. History—New 11-28-90, Amended 12-31-92, 6-1-95, 2-26-97, 12-20-98, 1-3-01, _____.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sheri Powers, Administrator, Compliance Planning and Support, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9925

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

Northwest Florida Water Management District

RULE NOS.:	RULE TITLES
40A-2.021	Definitions
40A-2.041	Permits Required
40A-2.051	Exemptions
40A-2.223	Reservation of Water

NOTICE OF CORRECTION

The Northwest Florida Water Management District publishes this correction to the Notice of Proposed Rulemaking published in Vol. 31, No. 52 of the December 30, 2005 issue, to include the date of publication of Proposed Rule Development. A HEARING WILL BE HELD AT THE TIME, DATE AND PLACE SHOWN BELOW:

TIME AND DATE: 1:30 p.m., ET., January 26, 2006
 PLACE: District Headquarters, Governing Board Room, U. S. Highway 90, Midway, Tallahassee, FL

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Angela Chelette, Chief, Bureau of Ground Water Regulation

For a copy of the proposed rule contact, Terri Peterson, Northwest Florida Water Management District, 152 Water Management Drive, Havana, Florida 32333, (850)539-5999, (850)539-2777 (Fax).

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 2, 2005, Vol. 31, No. 48

AGENCY FOR HEALTH CARE ADMINISTRATION

Division of Health Quality Assurance

RULE NO.:	RULE TITLE:
59A-3.2085	Departments and Services

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 43, October 28, 2005, issue of the Florida Administrative Weekly. Changes are made on the basis of comments and recommendations received at the hearing conducted on November 14, 2005.

Text of proposed rule changes:

59A-3.2085 Departments and Services.

(15) Stroke centers.

(a) Primary Stroke Centers. A hospital program will be designated as a primary stroke center on the basis of that hospital providing to the Agency for Health Care Administration an affidavit on AHCA Form 3130-3140, December 2005, which is incorporated by reference, signed by the Chief Executive Officer of the hospital, attesting that the program has been certified by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) as a primary stroke center, or that the program meets the criteria applicable to primary stroke centers as outlined in the Joint Commission on Accreditation of Healthcare Organizations:

Disease-Specific Care Certification Manual, 2nd Edition, Oakbrook Terrace, IL; Joint Commission Resources, 2005, reprinted with permission, including requirements outlined in the "Updated Primary Stroke Center Certification Appendix for the Disease-Specific Care Manual", which are incorporated by reference. Copies of these standards are available from the Agency for Health Care Administration Hospital and Outpatient Services Unit, or from the Joint Commission on the Accreditation of Healthcare Organizations at One Renaissance Boulevard, Oak Terrace, IL 60181. Hospitals shall insure that stroke centers establish specific procedures for screening patients that recognize that numerous conditions, including cardiac disorders, often mimic stroke in children. Stroke centers should insure that transfer to an appropriate facility for specialized care is provided to children and young adults with known childhood diagnoses.

(b) Comprehensive Stroke Center (CSC). Hospitals shall ensure that stroke centers establish specific procedures for screening patients that recognize that numerous conditions, including cardiac disorders, often mimic stroke in children. Stroke centers should ensure that transfer to an appropriate facility for specialized care is provided to children and young adults with known childhood diagnoses. A hospital's program may be designated as a Comprehensive Stroke Center on the basis of that hospital providing to the Agency for Health Care Administration an affidavit signed by the Chief Executive Officer of the hospital that the program has received initial Primary Stroke Center designation as provided in paragraph 59A-3.2085(16)(a), F.A.C., and that the program meets the following criteria:

1. A comprehensive stroke center shall have health care personnel with clinical expertise in a number of disciplines available.

a. Health care personnel disciplines in a CSC shall include:

(I) A designated comprehensive stroke center medical director

(II) Neurologists, neurosurgeons, surgeons with expertise performing carotid endarterectomy, diagnostic neuroradiologist(s), and physician(s) with expertise in endovascular neuroInterventional procedures and other pertinent physicians.

(III) Emergency department (ED) Physician(s) and nurses trained in the care of stroke patients.

(IV) Nursing staff in the stroke unit with particular neurologic expertise who are trained in the overall care of stroke patients.

(V) Nursing staff in intensive care unit (ICU) with specialized training in care of patients with complex and/or severe neurological/neurosurgical conditions.

(VI) Advanced Practice Nurse(s) with particular expertise in neurological and/or neurosurgical evaluation and treatment. Physician(s) with specialized expertise in critical care for patients with severe and/or complex neurological/neurosurgical conditions.

(VII) Physician(s) with specialized expertise in critical care for patients with severe and/or complex neurological/neurosurgical conditions.

(VIII) Physician(s) with expertise in performing and interpreting trans-thoracic echocardiography, transesophageal echocardiography, carotid duplex ultrasound and transcranial Doppler.

(IX) Physician(s) and therapist(s) with training in rehabilitation, including physical, occupational and speech therapy.

(X) A multidisciplinary team of health care professionals with expertise or experience in stroke, representing clinical or neuropsychology, nutrition services, pharmacy (including a Pharmacy Doctorate (Pharm D) with stroke expertise), case management and social workers.

(b) Availability of medical personnel:

(I) Neurosurgical expertise must be available in a CSC on a 24 hour per day, 7 days per week basis and in-house within 2 hours. The attending neurosurgeon(s) at a CSC should have expertise in cerebrovascular surgery.

(II) Neurologist(s) with special expertise in the management of stroke patients should be available 24 hour per day, 7 days per week.

(III) Endovascular/Neurointerventionist(s) should be on active full-time staff. However when this service is temporarily unavailable, pre-arranged transfer agreements must be in place for the rapid transfer of patients needing these treatments to an appropriate facility.

(2) Advanced Diagnostic Capabilities:

a. Magnetic resonance imaging (MRI) and related technologies.

b. Catheter angiography.

c. Coaxial Tomography (CT) angiography.

d. Extracranial ultrasonography.

e. Carotid duplex.

f. Transcranial Doppler.

g. Transthoracic and trans-esophageal echocardiography.

h. Tests of cerebral blood flow and metabolism.

i. Comprehensive hematological and hypercoagulability profile testing.

3. Neurological Surgery and Endovascular Interventions.

a. Angioplasty and stenting of intracranial and extracranial arterial stenosis.

b. Endovascular therapy of acute stroke.

c. Endovascular treatment (coiling) of intracranial aneurysms.

d. Endovascular and surgical repair of arteriovenous malformations (AVM) and arteriovenous fistulae (AVF).

e. Surgical clipping of intracranial aneurysms.

f. Intracranial angioplasty for vasospasm.

g. Surgical resection of AVMs and AVFs.

h. Placement of ventriculostomies and ventriculoperitoneal shunts.

i. Evacuation of intracranial hematomas.

j. Carotid endarterectomy.

k. Decompressive craniectomy.

4. Specialized Infrastructure.

(a) Emergency Medical Services (EMS) Link – The CSC collaborates with EMS leadership:

(I) To ensure that EMS assessment and management at the scene includes the use of a stroke triage assessment tool (consistent with the Florida Department of Health sample).

(II) To ensure that EMS assessment/management at the scene is consistent with evidence-based practice.

(III) To facilitate inter-facility transfers.

(IV) Maintain an on-going communication system with EMS providers regarding availability of services.

b. Referral and Triage – A CSC shall maintain:

(I) An acute stroke team available 24 hour per day, 7 days per week, including: ED physician(s), nurses for ED patients, neurologist, neurospecialist RNs, radiologist with additional staffing/technology including: 24 hour per day, 7 days per week CT availability, STAT lab testing/pharmacy and registration.

(II) A system for facilitating inter-facility transfers.

(III) Defined access telephone numbers in a system for accepting appropriate transfer.

c. Inpatient Units – These specialized units should have a subspecialty Medical Director with particular expertise in stroke- (intensivist, pulmonologist, neurologist, neurosurgeon or neuro-intensivist) who demonstrates ongoing professional growth by obtaining at least 6 CME credits in cerebrovascular care annually.

(I) ICU with medical and nursing personnel who have special training, skills and knowledge in the management of patients with all forms of neurological/neurosurgical conditions that require intensive care.

(II) Acute Stroke Unit with medical and nursing personnel who have training, skills and knowledge sufficient to care for patients with neurological conditions, particularly acute stroke patients, and who are appropriately trained in neurological assessment and management.

d. Rehabilitation and Post Stroke Continuum of Care –

(I) A CSC shall provide inpatient post-stroke rehabilitation.

(II) A CSC shall utilize healthcare professionals that can assess and treat cognitive, behavioral, and emotional changes related to stroke (i.e., clinical psychologists or clinical neuropsychologists).

(III) A CSC shall ensure discharge planning that is appropriate to the level of post-acute care required.

(IV) A CSC shall ensure continuing arrangements post-discharge for rehabilitation needs and medical management.

(V) A CSC shall ensure that patients' meeting acute care rehabilitation admission criteria are transferred to a CARF/JCAHO accredited acute rehabilitation facility.

e. Education –

(I) The CSC shall fulfill the educational needs of its medical and paramedical professionals by offering ongoing professional education for all disciplines.

(II) The CSC shall provide education to the public as well as to inpatients and families on risk factor reduction/management, primary and secondary prevention of stroke, the warning signs and symptoms of stroke, and the medical management and rehabilitation for stroke patients.

(III) The CSC shall supplement community resources for stroke and stroke support groups.

f. Professional standards for nursing – The CSC shall provide a career development track to develop neuroscience nursing particularly in the area of cerebrovascular disease.

(I) ICU and neuroscience/stroke unit nursing staff will be familiar with stroke specific neurological assessment tools such as the National Institute for Health (NIH) Stroke Scale.

(II) ICU nursing staff must be trained to assess neurologic function and be trained to provide all aspects of neuro critical care.

(III) Nurses in the ICU caring for stroke patients, and nurses in neuroscience units obtain at least 8 hours of continuing education credits (4 hours continuing education in the formalized CEU credits and 4 hours of continuing education related to their specialty that can be verified through documentation of participation).

g. Research – A CSC shall have the professional and administrative infrastructure necessary to conduct clinical trials and should have participated in stroke clinical trials within the last year and actively participate in ongoing clinical stroke trials.

5. Quality Improvement and Clinical Outcomes Measurement.

a. The purpose of a quality improvement program is analysis of data, correction of errors, systems improvements, and ongoing improvement in patient care and delivery of services.

b. A multidisciplinary institutional Quality Improvement Committee should meet on a regular basis to monitor quality benchmarks and review clinical complications.

c. Specific benchmarks, outcomes, and indicators should be defined, monitored, and reviewed on a regular basis for quality assurance purposes. Outcomes for procedures such as carotid endarterectomy, carotid stenting, IVtPA, endovascular/interventional stroke therapy, intracerebral aneurysm coiling, and intracerebral aneurysm clipping should be monitored.

d. A database and/or registry should be established that allows for tracking of parameters such as length of stay, treatments received, discharge destination and status, incidence of complications (such as aspiration pneumonia, urinary tract infection, deep venous thrombosis), and discharge medications and comparing to institutions across the United States.

e. A CSC shall participate in a national and/or state registry (or registries) for acute stroke therapy clinical outcomes, including IV tPA and endovascular/interventional stroke therapy.

Specific Authority 395.1055, 395.3038, 395.401, 408.036 FS. Law Implemented 395.001, 39.1055, 395.1065, 395.3038, 395.401, 408.036, 957.05 FS. History—New 4-17-97, Amended 3-29-98, 8-23-99, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Bill McCort, Bureau of Health Facility Regulation, Division of Health Quality Assurance

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: 61G15-24.001
RULE TITLE: Schedule of Fees

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 49, of the December 9, 2005 issue of the Florida Administrative Weekly. The change below reflects the addition of language approved by the Board on February 23, 2005 but inadvertently left out of the rule notice:

1. Subsection (2)(p) shall now read:

(p) Engineer Intern Endorsement Fee: \$100.00

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: 64B5-2.014
RULE TITLE: Licensure Requirements for Applicants from Accredited Schools or Colleges

NOTICE OF CHANGE

Notice is hereby given that the following additional changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 31, No. 21, of the May 27, 2005, issue of the Florida Administrative Weekly. The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting on November 4, 2005, voted to change the rule to address the comments submitted by JAPC. The change is as follows:

Subsection (3) shall now read:

(3) Proof received directly from the American Dental Association, that the National Board of Dental Examiners written Examination or National Board of Hygiene Written Examination has been successfully completed within 10 years prior to application.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

FINANCIAL SERVICES COMMISSION

Office of Financial Regulation

RULE NO.: 69W-301.002
RULE TITLE: Processing of Applications

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1, F.S., published in Vol. 31, No. 41, October 14, 2005, issue of the Florida Administrative Weekly. The changes are the result of non-substantive technical revisions and written comments received from the staff of the Joint Administrative Procedures Committee. The changes are as follows:

1. The title of the FORM BR, as listed in subparagraph 12 of Rule 69W-301.002, F.A.C., is changed from Uniform Branch Office Form to Uniform Branch Office Registration Form. This is a technical change to conform the rule to the title that is listed on the uniform form that has been adopted by the Securities and Exchange Commission.

2. The forms ADV, U4, and U5 contain a field for the applicant to provide his or her social security number. This information is requested, but not required. Rule 69W-301.002, F.A.C., is being clarified to reflect that the Office of Financial Regulation will not require that this information be provided.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Andrea Moreland, Executive Senior Attorney, Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9662, e-mail: andrea.moreland@fldfs.com

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. through 5. No change.

6. Form BD, Uniform Application for Broker-Dealer Registration (Revised 7/99);

7. Form ADV, Uniform Application for Investment Adviser Registration (Revised 10/03 4/4/04);

8. Form U-4, Uniform Application for Securities Industry Registration or Transfer (Revised 10/05 3/02);

9. BDW, Uniform Request for Broker-Dealer Withdrawal (Revised 8/99);

10. Form ADV-W, Notice of Withdrawal from Registration as Investment Adviser ~~Adviser~~ (Revised (10/03) 4/99);

11. Form U-5, Uniform Termination Notice for Securities Industry Registration (Revised 10/05 3/02);

12. ~~Form BR, Uniform Branch Office Registration Form (Revised 10/05) OFR Form DA 1 91, Branch Office Registration Form (Revised 4/99);~~

13. through 14. No change.

(b) No change.

(c) Social security number. The following forms contain a field that allows, but does not require, an individual to submit his or her social security number: Form ADV, Uniform Application for Investment Adviser Registration (Revised 10/03); Form U4, Uniform Application for Securities Industry Registration or Transfer (Revised 10/05); and Form U5, Uniform Termination Notice for Securities Industry Registration (Revised 10/05). If provided, an individual's social security number will be used by the Office of Financial Regulation to facilitate the identification of the individual to obtain the required criminal justice information, which may expedite the processing of the forms. Social security numbers obtained through the submission of the above-listed forms are subject to the confidentiality provisions of subsection 119.071(5), Florida Statutes.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

FLORIDA HOUSING FINANCE CORPORATION

RULE TITLES:	RULE NOS.:
Purpose and Intent	67ER06-1
Definitions	67ER06-2
Application and Selection Procedures for Developments	67ER06-3
Applicant Administrative Appeal Procedures	67ER06-4
Fees	67ER06-5
Credit Underwriting and Loan Procedures	67ER06-6
Miscellaneous Criteria	67ER06-7
General Program Procedures and Restrictions	67ER06-8
Additional Application Ranking and Selection Procedures	67ER06-9
Terms and Conditions of Loans	67ER06-10
Sale or Transfer of a Development	67ER06-11
Construction Disbursements and Permanent Loan Servicing	67ER06-12

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Florida experienced the destructive impact of four hurricanes in 2004. The hurricanes created both short-term and long-term housing needs for Floridians. To implement the February 2005 recommendations of the Governor's Hurricane Housing Work Group, the Rental Recovery Loan Program, hereafter referred to as RRLP, is created for the purpose of providing funds to assist those areas of the state with the greatest housing damage from the hurricanes. Program funding is provided to enable eligible entities to build and rehabilitate affordable rental housing.

REASONS FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Corporation has been granted emergency rulemaking authority under Ch. 2005-92, L.O.F., formerly House Bill 1889, "Distribution of Proceeds from the Excise Tax on Documents." The RRLP rules shall be effective immediately upon filing with the Florida Department of State and shall be valid for a period of 180 days. SUMMARY OF THE RULE: The rule provides the procedures by which RRLP funds shall be utilized by eligible entities for affordable rental housing recovery efforts. Rules incorporated below replace Emergency Rules 67ER05-8 through 67ER05-19 which expire January 8, 2006.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Vicki Robinson, Deputy Development Officer, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, FL 32301, (850)488-4197

THE FULL TEXT OF THE EMERGENCY RULE IS:

67ER06-1 Purpose and Intent.

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 Substantial Rehabilitation of affordable rental units utilizing Rental Recovery Loan Program funds, authorized by Ch. 2005-92, L.O.F.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-2 Definitions.

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

(2) "Address" means the address assigned by the United States Postal Service and must include address number, street name, city, state and zip code. If address has not yet been assigned, include, at a minimum, street name and closest designated intersection, city, state and zip code.

(3) "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.

(4) "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.

(5) "Application" means the forms and exhibits created by the Corporation for the purpose of providing the means to apply for the RRLP Program. A completed Application may include additional supporting documentation provided by an Applicant.

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

(7) "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.

(8) "ALF" or "Assisted Living Facility" means a Florida licensed living facility that complies with Sections 400.401 through 400.454, F.S., and Chapter 58A-5, F.A.C.

(9) "Board of Directors" or "Board" means the Board of Directors of the Corporation.

(10) "Calendar Days" means the seven (7) days of the week.

(11) "Competitive HC Program" means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the housing credit agency for the state of Florida within the meaning of Section 42(h)(7)(A) of the IRC and Rule Chapter 67-48, F.A.C.

(12) "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.

(13) "Contact Person" means the person with whom the Corporation will correspond concerning the Application and the Development. This person cannot be a third-party consultant.

(14) "Corporation" means the Florida Housing Finance Corporation as defined in Section 420.503, F.S.

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

(16) "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.

(17) "Development" means Project as defined in Section 420.503, F.S.

(18) "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.

(19) “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.

(20) “Development Expenses” means usual and customary operating and financial costs, such as the compliance monitoring fee, the financial monitoring fee, replacement reserves, the servicing fee and the debt service reserves. As it relates to Developments and to the application of Development Cash Flow described in this rule chapter, the term includes only those expenses disclosed in the operating pro forma included in the final credit underwriting report, as approved by the Board.

(21) “Document” means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

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

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

(24) “ELI Household” means a household of one or more persons wherein the adjusted income for the Family is equal to or below the percentage of area median income on the ELI County Chart, Part III.E. of the Application for the RRLP Program, for the county where the household is located.

(25) “ELI Set-Aside” or “Extremely Low Income Set-Aside” means the number of units designated to serve ELI Households.

(26) “Eligible Persons” means one or more natural persons or a family, irrespective of race, creed, national origin, or sex, determined by the Corporation to be income eligible, as further described in this rule chapter.

(27) “EUA” or “Extended Use Agreement” means, with respect to the HC Program, an agreement between the Corporation and the Applicant which sets forth the set-aside requirements and other Development requirements under the HC Program.

(28) “Executive Director” means the Executive Director of the Corporation.

(29) “Family” describes a household composed of one or more persons.

(30) “Financial Beneficiary” means any Developer and its Principals or Principals of the Applicant entity who receives or will receive a financial benefit as outlined in paragraphs (a) and (b) below and as further described in this rule chapter:

(a) 3% or more of Total Development Cost if Total Development Cost is \$5 million or less; or

(b) 3% of the first \$5 million and 1% of any costs over \$5 million if Total Development Cost is greater than \$5 million.

(31) “Financial Institution” means Lending institution as defined in Section 420.503, F.S.

(32) “Florida Keys Area” means all lands in Monroe County, except:

(a) That portion of Monroe County included within the designated exterior boundaries of the Everglades National Park and areas north of said Park;

(b) All lands more than 250 feet seaward of the mean high water line owned by local, state, or federal governments; and

(c) Federal properties.

(33) “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.

(34) “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, and which meets the criteria described in this rule chapter.

(35) “HC” or “Housing Credit Program” means the rental housing program administered by the Corporation pursuant to Section 42 of the IRC and Section 420.5099, F.S., under which the Corporation is designated the Housing Credit agency for the State of Florida within the meaning of Section 42(h)(7)(A) of the IRC and Rule Chapter 67-48, F.A.C.

(36) “HOME-Rental Program” means the HOME Investment Partnerships Program administered by the Corporation pursuant to 24 CFR Part 92, which is adopted and incorporated herein by reference and available at http://www.access.gpo.gov/nara/cfr/waisidx_04/24cfr92_04.html, and Section 420.5089, F.S.

(37) “Housing Credit” means the tax credit issued in exchange for the development of rental housing pursuant to Section 42 of the IRC and the provisions of Rule Chapter 67-48, F.A.C.

(38) “Housing Credit Syndicator” means a person, partnership, corporation, trust or other entity that regularly engages in the purchase of interests in entities that produce Qualified Low Income Housing Projects [as defined in Section 42(g) of the Internal Revenue Code] and provides at least one written reference in the Application that such person, partnership, corporation, trust or other entity has performed its obligation under the partnership agreements and is not currently in default under those agreements.

(39) “HUD” means the United States Department of Housing and Urban Development.

(40) “IRC” means Section 42 and subsections 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, as in effect on the date of this rule chapter, together with corresponding and applicable final, temporary or proposed

regulations, notices, and revenue rulings issued with respect thereto by the Treasury or the Internal Revenue Service of the United States, which are incorporated by reference. Section 42 is available at http://www.access.gpo.gov/uscode/title26/subtitlea_chapter1_subchaptera_partiv_subpartd_.html and subsections 501(c)(3) and 501(c)(4) are available at http://www.access.gpo.gov/uscode/title26/subtitlea_chapter1_subchapter1_subpartf_parti_.html.

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

(42) “Low Income” means the adjusted income for a Family which does not exceed 80% of the area median income.

(43) “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.

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

(45) “Non-Profit” means a qualified non-profit entity as defined in Section 42(h)(5), 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 entity and which entity is acceptable to federal and state agencies and financial institutions as a Sponsor for affordable housing.

(46) “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.

(47) “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.

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

(49) “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.

(50) “RRLP” or “RRLP Program” means the Rental Recovery Loan Program created pursuant to Ch. 2005-92, L.O.F.

(51) “RRLP Development” means a residential development comprised of one or more residential buildings and functionally related facilities, proposed to be constructed or substantially rehabilitated with RRLP funds for Eligible Persons.

(52) “RRLP Minimum Set-Aside Requirement” means the least number of set-aside units in a RRLP Development which must be held for persons or households pursuant to the category (i.e., Family or Elderly) under which the Application has been made, as further described in this rule chapter.

(53) “RRLP Rent-Restricted Unit” means a unit for which the gross rent does not exceed 30% of the imputed income limitation applicable to such unit as chosen by the Applicant in the Application and in accordance with Section 42 of the IRC.

(54) “SAIL” or “SAIL Program” means the State Apartment Incentive Loan Program created pursuant to Sections 420.507(22) and 420.5087, F.S.

(55) “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.

(56) “Section 8 Eligible” means a Family with an income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as amended, which is adopted and incorporated herein by reference and available at http://www.access.gpo.gov/uscode/title42/chapter8_subchapter1_.html.

(57) “Single Room Occupancy” or “SRO” 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.

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

(59) “Substantial Rehabilitation” means to bring a Development back to its original state with added improvements, where the value of such repairs or improvements (excluding the costs of acquiring or moving a structure) exceeds 40% of the appraised as is value (excluding land) of such Development before repair. For purposes of this definition, the value of the repairs or improvements means the Development Cost. To be considered “Substantial Rehabilitation,” there must be at least the foundations remaining from the previous structures, suitable to support the proposed construction.

(60) “Tax Exempt Bond-Financed Development” means a Development which has been financed by the issuance of tax-exempt bonds subject to applicable volume cap pursuant to Section 42(h)(4) of the IRC.

(61) “Tie-Breaker Measurement Point” means a single point selected by the Applicant on the proposed Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. For a Development which consists of Scattered Sites, this means a single point on one of the Scattered Sites

which comprise the Development site that is located within 100 feet of a residential building existing or to be constructed as part of the proposed Development. In addition, the Tie-Breaker Measurement Point must be located on the site with the most units if any of the Scattered Sites has more than 4 units.

(62) "Tier" means the division of the counties of the state of Florida, as established by Ch. 2005-92, L.O.F., for the prioritization of the RRLP funds.

(63) "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.

(64) "Treasury" means the United States Department of Treasury or other agency or instrumentality created or chartered by the United States to which the powers of the Department of Treasury have been transferred.

(65) "Urban In-Fill Development" means a Development (i) in a site or area that is targeted for in-fill housing or neighborhood revitalization by the local, county, state or federal government as evidenced by its inclusion in a HUD Empowerment/Enterprise Zone, a HUD-approved Neighborhood Revitalization Strategy, Florida Enterprise Zone, area designated under a Community Development Block Grant (CDBG), area designated as HOPE VI or Front Porch Florida Community, or a Community Redevelopment Area as described and defined in the Florida Community Redevelopment Act of 1969, or the proposed Development is located in a Qualified Census Tract and the development of which contributes to a concerted community revitalization plan, and (ii) in a site which is located in an area that is already developed and part of an incorporated area or existing urban service area.

(66) "Very Low-Income" means:

(a) If using tax-exempt bond financing for the first mortgage, income which meets the income eligibility requirements of Section 8 of the United States Housing Act of 1937, as in effect on the date of this rule chapter; or

(b) If using taxable financing for the first mortgage, total annual gross household income which does not exceed 50% of the median income adjusted for family size, or 50% of the median income adjusted for family size for households within the metropolitan statistical area (MSA), within the county in which the Family resides, or within the state of Florida, whichever is greater; or

(c) If used in a Development using Housing Credits, income which meets the income eligibility requirements of Section 42 of the IRC.

(67) "Website" means the Florida Housing Finance Corporation's website, the Universal Resource Locator (URL) for which is www.floridahousing.org.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 1-1-06.

67ER06-3 Application and Selection Procedures for Developments.

(1) When submitting an Application, Applicants must utilize the Rental Recovery Loan Program (RRLP) Application in effect at the Application Deadline, unless provided otherwise in the RRLP Application instructions.

(a) The RRLP Application Package or RRLP1016 consists of the forms and instructions, obtained from the Corporation, for a fee, at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 or available, without charge, on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link, which shall be completed and submitted to the Corporation in accordance with this rule chapter in order to apply for the RRLP Program. The RRLP Application Package is adopted and incorporated herein by reference, effective July 13, 2005.

(b) All Applications must be complete, legible and timely when submitted, except as described below. Corporation staff may 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.

(2) Failure to submit an Application completed in accordance with the Application instructions and these rules will 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.

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

(4) 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 may be submitted. The Corporation's staff will review each written NOPSE timely Received.

(5) 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.

(6) Within 11 Calendar Days of the date the notice set forth in subsection (5) 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 (3) and (5) 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 may 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).

(7) Within seven (7) Calendar Days of the deadline for receipt by the Corporation of the documentation set forth in subsection (6) above, all Applicants may 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 (6) 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 Received timely.

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

(9) Following the receipt and review by the Corporation of the documentation described in subsections (5), (6) and (7) 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 (3), (4) and (5) above. However, inconsistencies created by the Applicant as a result of information provided pursuant to subsections (6) and (7) 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 (14) 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.

(10) 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 RRLP Application instructions.

(11) RRLP 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.

(12) 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.

(13) 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 (6) above:

(a) The Development is inconsistent with the purposes of the RRLP Program 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 RRLP 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 SAIL interest.

(14) 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) RRLP Loan Request Amount; with the exception that an Applicant may reduce the amount to reflect the maximum request amount allowed in those instances where an Applicant requested more than its request limit.

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

(k) Payment of the required Application fee by the Application Deadline.

All other items may be submitted as cures pursuant to subsection (6) above.

(15) A Development will be withdrawn from funding and any outstanding commitments for funds will be rescinded if, at any time, the Board determines that the Applicant's Development or Development team is no longer the Development or Development team described in the Application, and the changes made are prejudicial to the Development or to the market to be served by the Development.

(16) If an Applicant or any Principal, Affiliate or Financial Beneficiary of an Applicant or a Developer has any existing Developments participating in any Corporation programs that remain in non-compliance with Section 42 of the IRC or applicable loan documents, and any applicable cure period granted for correcting such non-compliance has ended as of the time of submission of the Application or at the time of issuance

of a credit underwriting report, the requested allocation will, upon a determination by the Board that such non-compliance substantially increases the likelihood that such Applicant will not be able to produce quality affordable housing, be denied and the Applicant and the Affiliates of the Applicant or Developer will be prohibited from new participation in any of the Corporation's programs for the subsequent cycle and continuing until such time as all of their existing Developments participating in any Corporation programs are in compliance.

(17) When two or more Applications receive the same numerical score, the Applications will be ranked as outlined in the RRLP Application instructions.

(18) At no time during the Application, scoring and appeal process may Applicants or their representatives contact Board members concerning their own Development or any other Applicant's Development. At no time from the Application Deadline until the issuance of the final scores as set forth in subsection (9) above, may Applicants or their representatives verbally contact Corporation staff concerning their own Application or any other Applicant's Application. If an Applicant or its representative does contact a Board member in violation of this section, the Board shall, upon a determination that such contact was deliberate, disqualify such Applicant's Application.

(19) Applicants may withdraw an Application from consideration only by submitting a written notice of withdrawal to the Corporation Clerk. Applicants may not rescind any notice of withdrawal that was submitted to the Corporation Clerk. For ranking purposes, the Corporation shall disregard any withdrawal that is submitted after 5:00 p.m., Eastern Time, 14 Calendar Days prior to the date the Board is scheduled to convene to consider approval of the final ranking of the Applications and such Application shall be included in the ranking as if no notice of withdrawal had been submitted. After the Board has approved the final ranking, any notice of withdrawal submitted during the time period prohibited above and before the Board approves the final ranking, shall be deemed withdrawn immediately after Board approval of the final ranking.

(20) The name of the Development provided in the Application may not be changed or altered after submission of the Application during the history of the Development with the Corporation unless the change is requested in writing and approved in writing by the Corporation.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 1-1-06.

67ER06-4 Applicant Administrative Appeal Procedures.

(1) At the conclusion of the review and scoring process established by this rule chapter, each Applicant will be provided with the final ranking scores and a notice of rights, which shall constitute the point of entry to contest any issue related to Applications for the RRLP Program.

(2) Each Applicant that wishes to contest the final scores must file a petition with the Corporation within 21 Calendar Days after the date Applicant receives its notice of rights. The petition must conform to subsection 28-106.201(2) or 28-106.301(2), and subsection 67-52.002(3), F.A.C., and specify in detail each issue and score sought to be challenged. If the petition does not raise a disputed issue of material fact, the challenge will be conducted pursuant to Section 120.57(2), F.S. If the petition raises one or more disputed issues of material fact, a formal administrative hearing will be conducted pursuant to Section 120.57(1), F.S. At the conclusion of any administrative hearing, a recommended order shall be entered by the designated hearing officer which will then be considered by the Board.

(3) Any Applicant who wishes to challenge the findings and conclusions of the recommended order entered pursuant to a Section 120.57(2), F.S., proceeding concerning its own Application shall be allowed the opportunity to submit written arguments to the Board. Any written argument should be typed and double-spaced with margins no less than one inch in either Times New Roman 14-point or Courier New 12-point font and may not exceed five pages. Written arguments must be filed with Florida Housing Finance Corporation's Clerk at 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, no later than 5:00 p.m., Eastern Time, on the date contained in the recommended order. Failure to timely file a written argument shall constitute a waiver of the right to have a written argument considered by the Board. Parties will not be permitted to make oral presentations to the Board in response to recommended orders. The Board shall consider all recommended orders and written arguments and enter the appropriate final orders.

(4) 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.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-5 Fees.

The Corporation or the Credit Underwriter shall collect via check or money order the following fees and charges in conjunction with the RRLP Program, as outlined in the RRLP Application instructions:

- (1) RRLP Application Package fee, if applicable.
- (2) Application fee.
- (3) Credit Underwriting fees.
- (4) Commitment fees.
- (5) Compliance monitoring fees.
- (6) Loan servicing fees.
- (7) Construction inspection fees.
- (8) Financial monitoring fees.

All of the fees set forth above are part of Development Cost and can be included in the Development Cost pro forma and paid with RRLP loan proceeds. Failure to pay any fee shall cause the firm loan commitment to be terminated or shall constitute a default on the respective loan documents.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-6 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 RRLP 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. By acknowledging acceptance to enter credit underwriting for the RRLP Program, Applicants that have already accepted a preliminary commitment or preliminary allocation for the proposed Development through the SAIL, HOME-Rental or Competitive HC Program(s) will be deemed withdrawn from the SAIL, HOME-Rental or Competitive HC Program(s).

(3) If the credit underwriting invitation is accepted:

(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.

(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 RRLP Application instructions.

(4) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, Syndicator, General Contractor, and, if an ALF, the service provider(s), as well as other members of the Development team.

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

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

(7) 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.

(8) 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 third party credit enhancers, first mortgagors or syndicators 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.

(9) Applicants may elect to have the RRLP loan underwritten to a minimum debt service coverage (DSC) ratio of 1.0 or have the loan underwritten without a minimum required DSC ratio, as outlined below:

(a) If the Applicant elects to have the loan underwritten to a minimum DSC of 1.0, the proposed Development must demonstrate, based on current rates, that it can meet a minimum 1.0 DSC requirement for the RRLP mortgages and all superior mortgages.

(b) If the Applicant elects to have the loan underwritten without a minimum DSC ratio, the Corporation will set the amount of the RRLP loan so that a minimum percentage of the Developer fee is deferred for permanent financing. The minimum percentage of the Developer fee that must be deferred is the remainder of 100 percent minus the sum of the percentage of units set aside for ELI Households and 60% of the remaining percent. For example, if 20 percent of the units are set aside for ELI Households, the minimum percentage of Developer fee that must be deferred is the remainder of 100 percent minus the sum of 20 percent and 60 percent of the remaining 80 percent, which equals 32 percent (100% - (20% + (60% of 80%))).

(10) 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 Substantial Rehabilitation and a review of the Development's costs.

(11) 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 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.

(12) 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 under the Rental Recovery Loan Program Application and Instructions link, 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.

(13) 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.

(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.

(14) The Developer fee and General Contractor's fee shall be limited to:

(a) The Developer fee shall be limited to 18% 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. However, the Developer fee shall be limited to 10% of Development Cost for those Developments involving Substantial Rehabilitation of buildings which have received a Corporation funding commitment or a Preliminary Allocation/Determination for other construction work within fourteen years of the Application Deadline.

(b) The General Contractor's fee shall be limited to a maximum of 14% of the actual construction cost.

(15) 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.

(16) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.0 debt service coverage for a minimum of 6 consecutive months for the combined RRLP loan and superior mortgages.

(17) 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 Substantial Rehabilitation may be included within the Total Development Cost for Application and underwriting purposes. Contingency reserves shall not be paid from RRLP funds.

(18) 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.

(19) 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 RRLP Application instructions.

(20) 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 RRLP Application instructions.

(21) 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.

(22) The Credit Underwriter's recommendations will be sent to the Board for approval.

(23) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a firm RRLP loan commitment.

(24) Other mortgage loans related to the Development and the RRLP loan must close within 60 Calendar Days of the date of the firm RRLP 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. The Corporation shall charge an extension fee of one-half of one percent of the total RRLP funding amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(25) At least 5 Calendar Days prior to the RRLP 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.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-7 Miscellaneous Criteria.

(1) Total Development Cost includes the following:

(a) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(b) The cost of site preparation, demolition, and development.

(c) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Development.

(d) Fees in connection with the planning, execution, and financing of the Development, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(e) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, Substantial Rehabilitation, or reconstruction of the Development.

(f) The cost of the construction, Substantial Rehabilitation, and equipping of the Development.

(g) The cost of land improvements, such as landscaping and offsite improvements related to the Development, whether such costs are paid in cash, property, or services.

(h) Expenses in connection with initial occupancy of the Development.

(i) Allowances for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Development.

(j) The cost of such other items, including relocation costs, indemnity and surety bonds, premiums on insurance, and fees and expenses of trustees, depositories, and paying agents for the Corporation's bonds, for the construction or Substantial Rehabilitation of the Development.

(2) In determining the income standards of Eligible Persons for its various programs, the Corporation shall take into account the following factors:

(a) Requirements mandated by federal law.

(b) Variations in circumstances in the different areas of the state.

(c) Whether the determination is for rental housing.

(d) The need for family size adjustments to accomplish the purposes set forth in this rule chapter.

(3) Financial Beneficiary, as defined in this rule chapter, does not include third party lenders, third party management agents or companies, Housing Credit Syndicators, credit enhancers who are regulated by a state or federal agency and who do not share in the profits of the Development or contractors whose total fees are within the limit described in this rule chapter.

(4) For computing any period of time allowed by this rule, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-8 General Program Procedures and Restrictions.

(1) RRLP funding must be used in conjunction with Corporation-issued Tax-Exempt Multifamily Mortgage Revenue Bonds (MMRB) or Local Government-issued Tax-Exempt Bonds, as outlined in the RRLP Application instructions. An Applicant is not eligible to apply for RRLP funding if any of the following pertain to the proposed Development:

(a) Construction or construction-permanent financing of the costs associated with construction or Substantial Rehabilitation of the Development, including tax-exempt bonds or conventional financing with conversion clauses, has closed as of July 13, 2005:

(b) The Applicant has received an allocation of Housing Credits for the proposed Development, unless the Applicant has also applied or is applying for Corporation-issued tax exempt bonds or provides evidence of a Local Government-issued tax exempt bond commitment as stated in the RRLP Application instructions:

(c) RRLP funds shall not be used in conjunction with funds from the SAIL, state-issued HOME-Rental or Competitive HC Programs.

(2) The RRLP Minimum Set-Aside Requirements are:

(a) At least 15 percent of the total units must be held for ELI Households for a period of 20 years. Following the 20-year ELI affordability period, the ELI Set-Aside will then convert to serve families at or below 60 percent of the area median income; and

(b) At least 70% of the total units must be set aside for residents with annual household incomes at or below 60% of the area median income.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-9 Additional Application Ranking and Selection Procedures.

(1) RRLP funds shall be allocated in accordance with the ranking and selection process set forth in the RRLP Application Package.

(2) The Corporation shall assign, in order of ranking, tentative loan amounts to the Applications in each demographic category, up to the total amount available.

(3) Selection for RRLP Program participation is contingent upon fund availability at the conclusion of all litigation and appeals proceedings as set forth in this rule chapter.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-10 Terms and Conditions of Loans.

(1) The RRLP funds shall be used for the construction or Substantial Rehabilitation, with or without acquisition, of affordable, safe and sanitary multifamily rental housing units.

(2) The RRLP loans may be in a first, second, or other subordinated lien position. For purposes of this rule chapter, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Applicant's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

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

(a) 0% simple interest per annum on the pro-rata portion of the base loan attributable to ELI units over the life of the loan; and

(b) 3% simple interest per annum on the pro-rata portion of the base loan attributable to non-ELI units.

(4) The supplemental loan shall be non-amortizing and shall be based on each ELI unit at 0% simple interest per annum with the principal forgivable provided the units for which the supplemental loan amount is awarded are targeted to ELI Households for at least 20 years.

(5) The annual interest payment shall be based upon the Development Cash Flow, as determined pursuant to the RRLP Cash Flow Reporting Form RRLP-1. Any distribution or payment to the Principal(s) or any Affiliate of the Principal 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, will be added back to the amount of cash available for the RRLP loan interest payment, as calculated in the RRLP Cash Flow Reporting Form RRLP-1, for the purpose of determining interest due. Interest may be deferred as set forth in this rule chapter without constituting a default on the loan.

(6) If the RRLP loan is not a first mortgage loan, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) All superior mortgage fees and debt service;

(b) Development Expenses on the RRLP loan, including up to 20% of total Developer fees per year;

(c) Interest payment on RRLP loan balance;

(d) Interest payments on the RRLP loan deferred from previous years;

(e) Mandatory payment on subordinate mortgages.

After the full RRLP loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(7) If the RRLP loan is secured by a first mortgage lien, each year, subject to the provisions of subsection (8) below, Development Cash Flow shall be applied to pay the following items in order of priority:

(a) First mortgage fees and interest payment on RRLP loan balance;

(b) Development Expenses on the RRLP loan including up to 20% of total Developer fees per year;

(c) Interest payments on the RRLP loan deferred from previous years;

(d) Mandatory payment on subordinate mortgages.

After the full RRLP loan interest has been paid, the Applicant shall retain all remaining monies, unless the Applicant chooses to prepay a portion of the loan balance.

(8) The determination of Development Cash Flow, determination of payment priorities, and payment of interest on RRLP loans shall occur annually. Any payments of accrued and unpaid interest due annually on RRLP loans shall be deferred to the extent that Development Cash Flow is insufficient to make said payments pursuant to the payment priority schedule established in this rule chapter. If Development Cash Flow is under-reported and such report causes a deferral of RRLP interest, such under-reporting shall constitute an event of default on the RRLP loan. A penalty of 5% of any required payment shall be assessed.

(a) By May 31 of each year of the RRLP loan term, the Applicant shall provide the Corporation with audited financial statements and a certification detailing the information needed to determine the annual payment to be made. However, this certification requirement will be waived until May 31 following the calendar year within which the first unit is occupied. The certification shall require submission of audited financial statements and the RRLP annual reporting form, Cash Flow Reporting Form RRLP-1, effective 6/05, which is incorporated by reference. Form RRLP-1 can be obtained from the Credit Underwriter acting as the assigned servicer or on the Corporation's Website under the Rental Recovery Loan Program Application and Instructions link. The audited financial statements are to be prepared in accordance with generally accepted accounting principles for the 12 months ended December 31 and shall include:

1. Comparative Balance Sheet with prior year and current year balances;
2. Statement of revenue and expenses;
3. Statement of changes in fund balances or equity;
4. Statement of cash flows; and
5. Notes.

The financial statements referenced above should also be accompanied by a certification of the Applicant as to the accuracy of such financial statements. A late fee of \$500 will be assessed by the Corporation for failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP loan term. Failure to submit the required audited financial statements and certification by May 31 of each year of the RRLP loan term shall constitute an event of default on the RRLP loan. The Applicant shall furnish to the Corporation or its servicer, unaudited statements, certified by the Applicant's principal financial or accounting officer, covering such financial matters as the Corporation or its servicer may reasonably request, including without limitation, monthly statements with respect to the Development.

(b) The Corporation servicer shall issue a billing for interest due on the RRLP loan for the immediately preceding calendar year by July 31 of each calendar year of the RRLP loan.

(c) The Applicant shall remit the interest due to the Corporation servicer no later than August 31 of each year of the RRLP loan term. The first payment of RRLP interest will be due no later than August 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.

(9) 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. Unless the Corporation has accelerated the RRLP loan, the Applicant shall pay the Corporation a late charge of 5% of any required payment that is not received by the Corporation within 15 days of the due date.

(10) 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.

(11) The final billing for the purpose of payoff of the RRLP loan shall also include a billing for compliance fees to cover monitoring of RRLP Program requirements beyond the maturity date of the Note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years remaining in the affordability period beyond the repayment date. The present value discount rate shall be 2.75% per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Development provided the compliance monitoring fee covers some or all of the period following the anticipated RRLP loan repayment date.

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

(13) The Corporation shall monitor compliance of all terms and conditions of the RRLP 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 RRLP loans shall constitute a default during the term of the RRLP loans. 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.

(14) 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 under the Rental Recovery Loan Program Application and Instructions link.

(15) The RRLP base loan term shall be for a period of 15 years or such amount of time commensurate with the investment requirements associated with the Housing Credit syndication. The loan term may also exceed 15 years as required by the Federal National Mortgage Association whenever it is participating in the financing of the Development, or if otherwise approved by the Board. The supplemental loan term shall be for a period of 20 years.

(16) Upon maturity of the RRLP 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 RRLP 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.

(17) 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 RRLP mortgage without prior approval of the Corporation's Board of Directors. However, an Applicant may 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.

(a) The Board shall approve requests for mortgage loan refinancing only if Development Cash Flow is improved, the Development's economic viability is maintained, the security interest of the Corporation is not adversely affected, and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests to increase the amount of any superior mortgage, unless the criteria outlined in this rule chapter are met, the original combined loan to value ratio for the superior mortgage and the RRLP mortgages is maintained or improved, and a proportionate amount of the increase in the superior mortgage is used to reduce the

outstanding RRLP base loan balance. To calculate the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the RRLP loan balance, the following calculation shall be used: divide the amount of the original RRLP mortgage by the combined amount of the original RRLP mortgage and the original superior mortgage; then multiply the quotient by the amount of the increase in the superior mortgage after deducting refinancing costs. For example, if the amount of the original RRLP mortgage is \$2,000,000, the original superior mortgage is \$4,000,000, but the current balance is \$3,000,000, the proposed new superior mortgage is \$5,000,000, and refinancing costs are \$200,000, then the amount of the increase in the superior mortgage after deducting refinancing costs would be \$1,800,000, and the proportionate amount of the increase in the superior mortgage which must be paid toward the reduction of the RRLP loan balance would be \$594,000. This \$594,000 would be applied first to accrued interest and then to principal.

(c) The Board shall deny requests for mortgage loan refinancing which require extension of the RRLP loan term or otherwise adversely affect the security interest of the Corporation unless the criteria outlined in this rule chapter are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Development or unless the Board determines that public policy will be better served by the extension as a result of the Applicant agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Development feasible and which does not exceed an industry standard term.

(18) All RRLP 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, 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. The Corporation shall allow units dedicated to occupancy by the Elderly in a Development designed for occupancy by elderly households pursuant to authorization by HUD under the Fair Housing Amendments of 1988 as implemented by 24 CFR Part 100.

(19) All set-aside units shall be RRLP Rent-Restricted Units. A unit set aside at a particular income and rent level must house a tenant who satisfies the income requirement. Additionally, Section 8 voucher holders may not be used to

satisfy the ELI Set-Aside requirement, unless those households' vouchers are paying rents only up to the ELI rent level.

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

(21) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the RRLP loan.

(22) The Applicant shall provide to the Corporation an annual budget of income and expenses for the Development, certified as accurate by an officer of the Development, no later than 30 days prior to the beginning of the Development's fiscal year.

(23) The Compliance Period for a RRLP Development shall be, at a minimum, a period of 50 years from the date the first residential unit is occupied. For Developments which contain occupied units to be Substantially Rehabilitated, the Compliance Period shall begin not later than 60 days from the termination of the last annual lease in effect at the time of loan closing.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-11 Sale or Transfer of a Development.

(1) The RRLP 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 RRLP 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.

(2) If the RRLP loan is not assumed since the buyer does not meet the criteria for assumption of the loan, the loan (principal and any outstanding interest) shall be repaid from the proceeds of the sale in the following order of priority:

(a) First mortgage debt service, first mortgage fees;

(b) RRLP compliance and loan servicing fees;

(c) An amount equal to the present value of the compliance monitoring fee, as computed by the Corporation and its servicer, times the number of payment periods remaining in the affordability period beyond the repayment date. The present value discount rate shall be 2.75% per annum. Such amount shall be reduced by the amount of any

compliance monitoring fees collected by the Corporation for the Development, provided the compliance monitoring fee covers some or all of the period following the anticipated RRLP repayment date.

(d) Unpaid principal balance of the RRLP loan;

(e) Any interest due on the RRLP loan;

(f) Expenses of the sale;

(g) If there will be insufficient funds available from the proposed sale of the Development to satisfy paragraphs (2)(a)-(f) above, the RRLP loan shall not be 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 RRLP loan was true and accurate;

3. A certification from the Applicant that there are no Development funds available to repay the RRLP loan, including any interest due, and the Applicant knows of no source from which funds could or would be forthcoming to pay the RRLP loan; and

4. A certification from the Applicant detailing the information needed to determine the final billing for RRLP loan interest. Such certification shall require submission of financial statements and other documents that may be required by the Corporation and its servicer.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History—New 1-1-06.

67ER06-12 Construction Disbursements and Permanent Loan Servicing.

(1) RRLP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the RRLP 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 may 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) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10% per Draw shall be held by the servicer during construction until the Development is 50% complete. At 50% completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the RRLP loan agreement.

Specific Authority s. 3, ch. 2005-92, L.O.F. Law Implemented s. 2 and 3, ch. 2005-92, L.O.F. History--New 1-1-06.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: January 1, 2006

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

The St. Johns River Water Management District hereby gives notice that it received a petition for variance on December 20, 2005 from Coral Key, LLC. Pursuant to Section 120.542, Florida Statutes, Coral Key, LLC is seeking a variance from paragraph 40C-4.301(1)(k) and subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3 of the Applicant's Handbook: Management and Storage of Surface Waters (February 1, 2005), (A.H.), with respect to Environmental Resource Permit (ERP) Application 40-009-16558-6. The permit applicant is proposing to construct a residential development project, known as Coral Key Subdivision in Brevard County. Subparagraph 40C-41.063(1)(c)1., F.A.C., and Section 11.1.3., A.H., prohibit the construction, operation, and maintenance of a surface water management system in the Upper St. Johns River Hydrologic Basin that results in an increase in the amount of water being diverted from the Basin to coastal receiving waters. Paragraph 40C-4.301(1)(k), F.A.C., requires permit applicants for an ERP to comply with any applicable special basin criteria established in Chapter 40C-41, F.A.C. These rules are intended to protect the water resources of the State by limiting discharges of fresh water to estuarine waters and curtailing interbasin diversion.

Comments on this petition should be filed with Sandy Bertram, District Clerk, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, within 14 days of publication of this notice. The petition has been assigned F.O.R. Number 2005-139.

For a copy of the petition or additional information, contact: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that a Petition for Variance was received on January 5, 2006 from Florida Hospital Waterman, 1000 Waterman Way, Tavares, Florida 32778. This petition involves applicable Rules 59G-6.020 and 59G-6.030, F.A.C., which incorporate by reference the Florida Title XIX Payment Methodology for Inpatient and Outpatient Hospital Services respectively.

Information regarding this petition may be obtained by writing: Jim Guyton, Medicaid Program Analysis, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 21, Tallahassee, FL 32308.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on January 3, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), F.A.C., from Vejigante (Latin Food) located in Orlando. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555, F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C., and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

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 December 30, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(5), F.A.C., from Treasure Island located in Pompano Beach. The above referenced Florida Administrative Codes address food equipment, utensils, and linens as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter four of the FDA Food Code. They are requesting to operate without a three-compartment sink or other methods of warewashing.

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 December 6, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Julia's Lunchbox located in Naples. The above referenced Florida Administrative Codes address 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.

The variance request was approved January 4, 2006 and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.016(1)(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the mobile unit at all times of operation and shall be adhered to as approved by the Division. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

NOTICE IS HEREBY GIVEN that on December 6, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.010(1) and 61C-4.010(6), F.A.C., from Yolanda Rojas located in Lehigh Acres. The above referenced Florida Administrative Codes address 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.

The variance request was approved January 4, 2006 and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the mobile unit at all times of operation and shall be adhered to as approved by the Division. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

NOTICE IS HEREBY GIVEN that on November 30, 2005, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Santa Cruz Mexican Food located in Orlando. The above referenced Florida Administrative Codes address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved January 4, 2006 and is contingent upon Petitioner's use of open-air steam table is properly covered and air curtain is operating properly-according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon

Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per the 2001 FDA Food Code section 3-403.11; and potentially hazardous food is held at proper temperatures according the 2001 FDA Food Code section 3-501.16.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(1)(c), F.A.C., and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the 2001 FDA Food Code section 2-201 are to be followed. Petitioner shall also use a potable water tank(s) and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank(s); and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water tank must be from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, F.S.

NOTICE IS HEREBY GIVEN that on December 15, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Nila Catering Services located in Orlando. The above referenced Florida Administrative Codes address 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 December 8, 2005, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), F.A.C., from Rafael's Fast Food located in Orlando. The above referenced Florida Administrative Codes address food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions

of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance requested was denied January 6, 2006, because the Petitioner failed to contact the Division regarding deficiencies in the submitted variance application that consists of: no written request for variance, incomplete operating procedures, and no updated drawings of the Mobile Food Dispensing Vehicle (MFDV). Granting this variance in its current format would create an undesirable precedent, upon which all MFDV's could claim a variance. Granting this variance would be inconsistent with the principles of public safety and sanitation articulated in Section 509.032(e)(1), F.S., for public food service establishments enforced by this Division.

NOTICE IS HEREBY GIVEN that on January 4, 2006, the Division of Hotels and Restaurants received a Petition for Routine Variance for subsection 61C-4.010(7), F.A.C., from A & D Manila Bakery located in Jacksonville. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add a bathroom facility for customer use.

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.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Dentistry hereby gives notice that it has received a petition filed on January 10, 2006, by The State of Florida, Department of Children and Families, Florida State Hospital, seeking a variance or waiver from Rule 64B5-17.015, F.A.C., concerning the requirement to provide an AED (defibrillator) on site in every dental office location, beginning February 28, 2006.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Dentistry, at the above address.

The Board of Dentistry hereby gives notice that it has received a petition filed on November 17, 2005, by Susan Sheahan, D.M.D., seeking a variance or waiver from Rule 64B5-14.005, F.A.C., concerning the requirement to document administration of anesthetics to 20 patients within 2 years of applying for a conscious sedation permit.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Dentistry, at the above address.

NOTICE IS HEREBY GIVEN THAT ON January 10, 2006, the Board of Dentistry received a Petition for Variance or a Waiver of subsection 64B5-7.005(1), F.A.C., from Laurance Jerrold, D.D.S. The Petition requests a Variance or a Waiver of the rule that specifies that a teaching permit not be issued to a faculty member who has failed the Florida dental licensure examination.

Comments on this Petition should be filed with: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

For a copy of the petition, contact: Sue Foster, Executive Director, Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

**Section VI
Notices of Meetings, Workshops and Public Hearings**

DEPARTMENT OF STATE

The Department of State, Division of Historical Resources, Bureau of Historic Preservation, Florida National Register Review Board Meeting announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, February 17, 2006, 9:00 a.m.

PLACE: Conference Room, R. A. Gray Building, Room 307, Tallahassee, Florida 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to review National Register Nomination Proposals.

A copy of the agenda may be obtained by writing: Division of Historical Resources, Bureau of Historic Preservation, Attn: Survey and Registration Section, 500 South Bronough Street, Tallahassee, Florida 32399-0250, 1(800)847-7278.

Some Florida National Register Review Board Members may participate by telephone conference call.

Should any person appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office before February 1, 2006 if you need an accommodation. Accommodations can be arranged through Jennifer Blake Patnode, ADA Coordinator for Bureau of Historic Preservation, 1(800)847-7278, Fax (850)245-6437, e-mail: jbpnode@dos.state.fl.us.

The **State Library and Archives of Florida** announces a meeting to provide an overview of activities, services and programs of Florida's multitype library cooperatives and to convene a planning session for future collaborative efforts, programs and services between the State Library and Archives of Florida and multitype library directors, boards and stakeholders.

DATES AND TIMES: Thursday, February 2, 2006, 1:00 p.m. – 4:00 p.m.; Friday, February 3, 2006, 8:30 a.m. – 3:00 p.m.

PLACE: Orlando Public Library, 101 E. Central Blvd., Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Current and future services and activities of the multitype library cooperatives and State Library and Archives.

For additional information or if you need special accommodations contact: Loretta L. Flowers, Community Development Manager, (850)245-6636, e-mail: lflowers@dos.state.fl.us, Suncom 205-6636 or TDD (805)245-6688.

DEPARTMENT OF LEGAL AFFAIRS

The **Florida Elections Commission** announces a meeting. Parts of the meeting are confidential.

DATES AND TIMES: Thursday, February 16, 2006, 8:30 a.m. – 6:00 p.m.; Friday, February 17, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: Turnbull Education Center, 555 W. Pensacola Street, Room 244, Tallahassee, Florida 32306-1640

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and adjudication of cases relating to alleged violations of Chapters 104 and 106, Florida Statutes, and to the late filing of campaign treasurer's reports.

For a copy of the agenda or additional information contact: Patsy Rushing, 107 W. Gaines Street; Suite 224, Collins Building; Tallahassee, FL 32399-1050, (850)922-4539.

If you need an accommodation because of disability in order to participate, please call Patsy Rushing at least 48 hours before the meeting.

If a person decides to appeal any decision of the Commission with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and will need to assure that a verbatim record of the proceedings is made.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Animal Industry Technical Council (AITC)** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: March 13, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: State Emergency Operations Center, 2555 Shumard Oak Boulevard, Tallahassee, FL

The meeting is open to the public.

The Florida **Department of Agriculture and Consumer Services, Division of Agricultural Environmental Services, Bureau of Pesticides** announces the following public meeting of the Miami Blue Butterfly Subcommittee to which all interested persons are invited.

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

PLACE: McGuire Center, Florida Museum of Natural History, S. W. 34th Street and Hull Road, Gainesville, Florida, (352)846-2000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Subcommittee is charged with developing recommendations to the Coordinating Council for Mosquito Control regarding conduct of mosquito control that will: 1) allow re-introductions to continue on public lands that will aid in the recovery of the Miami blue butterfly and 2) allow the Mosquito Control Districts to continue to provide mosquito control as required by State Law under Chapter 388 of the Florida Statutes.

CONTACT: Max Feken, Bureau of Pesticides, 3125 Conner Boulevard, Bldg. 6, Tallahassee, Florida 32399-1650, (850)487-0532.

A copy of the meeting agenda may be obtained by contacting the Bureau of Pesticides at the above number. Please contact either Max Feken or Dr. Jeret Daniels, (352)846-2000, Ext. 233, if planning to attend.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Florida Forestry Council which is open to all interested persons.

DATE AND TIME: Wednesday, February 15, 2006, 2:00 p.m.

PLACE: Discovery Center of the Florida State Fairgrounds, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on Division of Forestry Programs.

A copy of the agenda may be obtained by contacting: Michael C. Long, Director, Division of Forestry, 3125 Conner Boulevard, Tallahassee, Florida 32399-1650, (850)488-4274.

The Florida **Department of Agriculture and Consumer Services** announces a teleconference to which all persons are invited.

DATE AND TIME: Friday, February 10, 2006, 10:00 a.m.
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss proposed legislation for the 2006 Florida session addressing issues of interest to consumers and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Friday, March 10, 2006, 9:30 a.m.
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues, proposed legislation for the 2006 Florida session addressing issues of interest to consumers and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 28, 2006, 1:30 p.m.
 PLACE: 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Motor Vehicle Repair Advisory Council will be meeting to discuss consumer-related issues proposed legislation for the 2006 Florida session addressing issues of interest to consumers and issues to advise and assist the department.

A copy of the agenda may be obtained by contacting: Mr. James R. Kelly, Director, Division of Consumer Services, 2005 Apalachee Parkway, Tallahassee, Florida 32399-6500, (850)922-2966.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission** announces an Administrator Hearing Panel, Rule Changing Workshop and a Teacher Hearing Panel to which all persons are invited.

Administrator Hearing Panel

DATE AND TIME: February 3, 2006, 9:00 a.m. (A Rule Changing Workshop will immediately follow the Administrator Panel.)

Teacher Hearing Panel
 DATE AND TIME: February 3, 2006, 1:00 p.m.
 PLACE: Homewood Suites Hotel, 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: 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, (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, 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.

DATES AND TIME: February 1-3, 2006, 9:00 a.m. – completion
 PLACE: Cabinet Meeting Room, LL-03 Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the application denials of Challenge Foundation Academy Charter School, Lake Institute Education, Inc. Elementary School, Lake Institute Education, Inc. Middle School, Academies of Excellence Elementary School – Volusia County, Academies of Excellence Middle School – Volusia County, Academies of Excellence Elementary School – Gadsden County, Academies of Excellence Middle School – Gadsden County, Citrus Charter Elementary, Ridge Charter Elementary, Summit Academy Charter School.

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, (850)245-0502

The **Commission for Independent Education** announces committee meetings and a commission meeting to which all persons are invited.

Accountability/Methodology Committee

DATE AND TIME: February 2, 2006, 9:00 a.m. followed by Health Science Curriculum Committee

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general committee business of the Accountability/Methodology Committee, and the Health Science Curriculum Committee.

Commission Meeting

DATES AND TIMES: February 2, 2006, 2:30 p.m.; February 3, 2006, 9:00 a.m.

PLACE: Sheraton World Resort, 10100 International Drive, Orlando, Florida 32821, (407)352-1100

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission for Independent Education will consider disciplinary matters, Informal Hearings, Institutions Ordered to Appear Back before the Commission, New Applications for Licensure, and Institutional Applications for Program Modifications and Additional Programs, as well as other Commission business on February 2, 2006. All other licensure applications and other general Commission business will be considered on February 3, 2006 to include Committee reports, Annual Licensure, Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Licensure Extensions, Requests for Extension of Time and Extension to Comply with Contingencies, Substantive Change Applications, Name Change Applications, and Elective Clerkships Applications, Attorney and Executive Director reports, as well as Applications for Exemptions for Religious Colleges, Reports of School Closures, Reports of Licenses Sent and Agent Program Applications.

A copy of the agenda may be obtained by writing: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Area of Critical State Concern, (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice), 1(800)955-8771 (TDD).

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a teleconference meeting of the Community Assistance Advisory Council, and a public hearing to receive input from all interested parties on the Weatherization Assistance Program State Administrative Plan for federal fiscal year (FFY) 2006, to which all interested parties are invited.

COMMUNITY ASSISTANCE ADVISORY COUNCIL MEETING

DATE AND TIME: Tuesday, January 24, 2006, 9:00 a.m. – 11:30 a.m.

PLACE: Department of Community Affairs, Randall Kelly Training Center, Sadowski Building 3rd Floor, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399, Tele-conference Number (850)414-1707, Suncom 994-1707

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Advisory Council will review the Weatherization Assistance Program Administrative State Plan for FFY 2006.

PUBLIC HEARING

DATE AND TIME: Tuesday, January 24, 2006, 1:00 p.m.

PLACE: Department of Community Affairs, Randall Kelly Training Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To obtain input and recommendations from the public and interested parties concerning the Weatherization Assistance Program Administrative State Plan for FFY 2006, which will be submitted to the United States Department of Energy.

A copy of the state plan and agenda for the Advisory Council Meeting and/or a copy of the state plan and agenda for the public hearing may be obtained by writing: Department of Community Affairs, Mr. Norm Gempel, Manager, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100. Copies may also be obtained by telephoning (850)488-7541, Fax (850)488-2488, or by appearing in person at the agency headquarters.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a record of the proceeding, and for such purposes he or she may need to ensure that a record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at the advisory council meeting or public hearing because of a disability or physical impairment, should contact the Community Assistance Section, 1(850)488-7541, at least five calendar days prior to the hearing. If you are hearing impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs**, Weatherization Assistance Program (WAP) and the Weatherization – low Income Home Energy Assistance Program announces a public hearing to which all interested parties are invited.

DATE AND TIME: February 1, 2006, 1:30 p.m.

PLACE: Okaloosa County Courthouse, Room #120, 101 Jameslee Boulevard, East, Crestview, Florida 32536

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking public or nonprofit entities to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Okaloosa County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entities' experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and their capacity to undertake a timely and effective weatherization program. Special consideration will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering, an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) the ability of the entity to maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The DCA will review all comments received at the public hearing and the submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Okaloosa County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, Fax (850)488-2488.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs, Division of Emergency Management** announces the following public meeting to which all persons are invited.

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council – Residential Construction Mitigation Program

DATE AND TIME: February 6, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Florida International University, MARC Pavilion, 11200 S. W. 8th Street, Miami, FL 33199

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council (RCMP) meeting pursuant to Section 215.559, F.S. The advisory council will consider the Section 215.559(3), F.S. Low Interest Loan Program. The advisory council will also discuss the Performance Management System and discuss details of the 2006/2008 proposed NOFA/RFP cycle. The advisory council will also receive presentation from subgrantees and contractors about their 2004/2006 programs, and discuss such other matters as comes before them.

For more information, please contact: Charles McCool, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)488-3141.

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 to provide a record for judicial review. This meeting will be taped by the Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact Charles McCool at the Department of Community Affairs, (850)488-3141. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF LAW ENFORCEMENT

The **Region XIV, Advisory Council** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, January 19, 2006, 10:00 a.m.

PLACE: Room 9118, School of Justice, Miami Dade College, North Campus, 11380 N. W. 27th Avenue, Miami, FL 33167

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is the approval of the new fiscal year budget 2006-2007 for the Region XIV area.

Contact person: Josefina de Lage, Region XIV, Secretary, (305)237-1329

STATE BOARD OF ADMINISTRATION

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, January 31, 2006, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on January 31, 2006, will consider a proposed amended rule providing procedures for reporting investments to the Trustees and will be asked for permission to file the rule for adoption. Rule 19-4.0031, F.A.C., is proposed to be amended.

Notice of Proposed Rule Development for this rule was published in the Florida Administrative Weekly on October 7, 2005. A rule development workshop was offered on October 25, 2005, but no one requested the workshop and the workshop was not held. A rule hearing was offered on January 4, 2006, but no one requested the hearing and the hearing was not held. The Joint Administrative Procedures Committee has made no suggestions. If approved, the State Board expects to file for this rule for adoption on February 7, 2006.

A copy of the State Board of Administration's agenda for the January 31, 2006, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, January 31, 2006, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on January 31, 2006, will consider proposed new and amended rules and will be asked for permission to file the rules for adoption. Rule 19-11.001, F.A.C., regarding employer contributions; Rule 19-11.002, F.A.C., regarding beneficiary designations; Rule 19-11.004 regarding excessive trading; Rule 19-11.005, F.A.C., regarding complaint procedures; Rule 19-11.006, F.A.C., regarding enrollment procedures; and Rule 19-11.007, F.A.C., regarding second elections are proposed to be amended to conform to legislation adopted during the 2005 legislative session. Rule 19-11.003, F.A.C., is a new rule to adopt procedures regarding distributions.

Notice of Proposed Rule Development for this rule was published in the Florida Administrative Weekly on October 7, 2005. A rule development workshop was offered on October

25, 2005, but no one requested the workshop and the workshop was not held. A rule hearing was offered on January 4, 2006, but no one requested the hearing and the hearing was not held. The Joint Administrative Procedures Committee has made suggestions which have been incorporated into a Notice of Change. The Notice of Change was filed on January 3, 2006. If approved, the State Board expects to file these rules for adoption on February 7, 2006.

A copy of the State Board of Administration's agenda for the January 31, 2006, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

The Florida **State Board of Administration** announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, January 31, 2006, 9:00 a.m. – conclusion

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Monroe Street and Apalachee Parkway, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Trustees of the State Board of Administration, on January 31, 2006, will consider two proposed amended rules and will be asked for permission to file the rules for adoption. Rule 19-12.005, F.A.C., is proposed to be amended to clarify the use for forfeitures and Rule 19-12.007, F.A.C., is proposed to be amended to conform the rule to the legislation adopted in the 2005 legislative session.

Notice of Proposed Rule Development for this rule was published in the Florida Administrative Weekly on October 7, 2005. A rule development workshop was offered on October 25, 2005, but no one requested the workshop and the workshop was not held. A rule hearing was offered on November 4, 2005, but no one requested the hearing and the hearing was not held. The Joint Administrative Procedures Committee made no suggestions. If approved, the State Board expects to file for these rules for adoption on February 7, 2006.

A copy of the State Board of Administration's agenda for the January 31, 2006, Cabinet meeting may be obtained by contacting: Dorothy Westwood, State Board of Administration, 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1350.

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

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

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C., Third Floor, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release Matters.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980). A copy of the Agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: February 7, 2006, immediately following the Commission Conference which commences at 9:30 a.m. in Commission Hearing Room 148

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

****THIS MEETING IS SUBJECT TO CANCELLATION WITHOUT NOTIFICATION.****

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: February 7, 2006, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on this agenda for which a hearing has not been held will be allowed to address the Commission concerning those items when taken up for discussion at this conference.

A copy of the agenda may be obtained by any person who requests a copy, and pays the reasonable cost of the copy (\$1.00 per copy, Statement of Agency Organization and Operations), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770, or writing: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Homepage, at <http://www.floridapsc.com>, at no charge.

If a person decides to appeal any decisions made by the Commission with respect to any matter considered at this conference, he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

Any person requiring some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a Customer Meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO. 050449-WU – Application for staff-assisted rate case in Pasco County by Dixie Groves Utility Company

DATE AND TIME: Wednesday, February 15, 2006, 6:00 p.m.

PLACE: New Port Richey City Hall, 5919 Main Street, New Port Richey, Florida 34652

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions and comment on other issues.

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

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in this meeting.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Governor's Ex-offender Task Force** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Friday, January 27, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: Room 24 LL, HOB, The Capitol, Tallahassee, FL (If the room number changes due to legislative committee meetings, the new room number will be posted at that location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Task Force will be planning issues for the coming year.

REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council**, Planning and Growth Management Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 8:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending planning and growth management issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Personnel, Budget and Finance Policy Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 9:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss pending personnel, budget and finance policy matters.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **Northeast Florida Regional Council** announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 10:00 a.m.

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Meeting.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

If a person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, he/she will have to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Individuals needing materials in alternate format, sign language interpreter, or other meeting information, call Peggy Conrad, (904)279-0880, Extension 145, at least three working days prior to the meeting. Hearing-impaired callers use Florida Relay Service, 1(800)955-8771.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **Northeast Florida Regional Council**, Legislative Committee announces the following public meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 11:30 a.m. following monthly Board meeting

PLACE: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss legislative issues.

A copy of the agenda may be obtained by contacting: Northeast Florida Regional Council, 6850 Belfort Oaks Place, Jacksonville, FL 32216.

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, F.S., may attend and speak at the meeting.

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, February 6, 2006, 10:30 a.m.

PLACE: City of Parkland Commission Chambers, 6600 University Drive, Parkland, FL 33067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; 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; 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: 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, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact the South Florida Regional Planning Council, (954)967-4152, Ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

The Florida **District X, Local Emergency Planning Committee** announces the following meeting to which all persons are invited.

DATE AND TIME: February 2, 2006, 10:00 a.m.

PLACE: Wolf High, Technology Center, Indian River Community College Chastain Campus, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District X, Local Emergency Planning Committee.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Florida District X, LEPC with respect to any matter considered at such meeting or hearing, he will need a record of proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

The **Treasure Coast Regional Planning Council** announces the following meeting of its Regional Resource Committee to which all persons are invited.

DATE AND TIME: March 6, 2006, 12:00 Noon

PLACE: IGFA Fishing Hall of Fame and Museum, 300 Gulf Stream Way, Dania Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Regional Resource Committee will have a joint meeting with the Executive Committee of the South Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 E. Ocean Boulevard, Suite 300, Stuart, Florida 34994.

If a person decides to appeal any decision made by the Treasure Coast Regional Planning Council with respect to any matter considered at such meeting or hearing, he or she will need a record of proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record indicates the testimony and evidence upon which the appeal is to be based.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact Liz Gulick, (772)221-4060, at least 48 hours before the meeting.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces the following PROJECTS AND LAND COMMITTEE MEETING(S) AND TOUR. All persons are invited.

Projects and Land Committee public meeting forum

DATE AND TIME: Thursday, February 2, 2006, 6:00 p.m.

Projects and Land Committee business meeting followed by a tour of the Lake Apopka Basin Project Areas

DATE AND TIME: Friday, February 3, 2006, 8:00 a.m.

PLACE: Mission Inn, 10400 County Road 48, Howey-in-the-Hills, Florida 34737

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting forum for presentation of Lake Apopka Basin Projects. Business meeting to consider Committee agenda items.

An agenda can be obtained by writing: St. Johns River Water Management District, P. O. Box 1429, Palatka, FL 32178-1429 or calling Hazel Hinton, Department of Water Resources, (386)329-4347.

NOTE: In the event that a quorum of the Committee is not available for the business meeting at the date, time and place set forth above, the Committee shall meet on the following Tuesday, February 7, 2006, 8:45 a.m., St. Johns River Water Management District Office, Highway 100, West, 4049 Reid Street, Palatka, FL.

One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

GOVERNING BOARD AND COMMITTEE CHAIRMAN

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

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

FINANCE AND ADMINISTRATION COMMITTEE

DATE AND TIME: Tuesday, February 7, 2006, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff may recommend approval of external budget amendments which affect the adopted budget.

REGULATORY COMMITTEE

DATE AND TIME: Tuesday, February 7, 2006, 10:00 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

GOVERNING BOARD MEETING AND PUBLIC HEARING ON LAND ACQUISITION

DATE AND TIME: Tuesday, February 7, 2006, 1:00 p.m.*

*This meeting may continue on the next consecutive day (Wednesday) at 8:00 a.m. if necessary to finish regulatory and administrative agendas.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100, West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website: www.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 in advance.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meeting(s) to which all interested persons are invited.

MANATEE CHAMBER WATER ALTERNATIVES COMMITTEE

DATE AND TIME: Friday, January 6, 2006, 8:00 a.m.

PLACE: Manatee Chamber Building, 222 10th Street, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Committee business. Some members of the District's Governing Board and Manasota Basin Board may attend and participate in the discussions.

GOVERNING BOARD WORKSHOP

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

PLACE: Green Swamp West Field Office, 13645 Ranch Road, Dade City, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Board policies and procedures, and strategic planning for future initiatives.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 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 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

PINELLAS-ANCLOTE RIVER BASIN BOARD MEETING

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

PLACE: St. Petersburg City Hall, 175 5th Street, North, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

ALAFIA RIVER BASIN BOARD MEETING

DATE AND TIME: Thursday, February 2, 2006, 9:30 a.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

NORTHWEST HILLSBOROUGH BASIN BOARD MEETING

DATE AND TIME: Thursday, February 2, 2006, 1:30 p.m.

PLACE: SWFWMD, Tampa Service Office, 7601 Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

PEACE RIVER BASIN BOARD MEETING

DATE AND TIME: Friday, February 3, 2006, 9:30 a.m.

PLACE: SWFWMD, Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Basin business.

These are public meetings and agendas are available by contacting: Southwest Florida Water Management District, 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 4609, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

NOTICE OF CANCELLATION – The South Florida Water Management District announces a public meeting to which all interested parties are invited.

DATES AND TIME: Monday, January 9, 2006, 10:00 a.m. – complete; Thursday, January 19, 2006 from 10:00 a.m. – complete

PLACE: SFWMD Headquarters, B-1 Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Stormwater Management Issues Workshop.

A copy of the agenda may be obtained by contacting: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website www.sfwmd.gov/gover/wrac/webpage/agenda.html.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

The South Florida Water Management District announces a public meeting to which all interested parties are invited.

DATE AND TIME: Monday, January 23, 2006, 5:00 p.m. – 7:30 p.m.

PLACE: The Wellington Community Center, Community Room, 12165 West Forest Hill Blvd., Wellington, FL 33414-5727

GENERAL SUBJECT MATTER TO BE CONSIDERED: Water Resources Advisory Commission (WRAC) Acceler8 Project Issues Workshop – Acme Basin B Basis of Design Report.

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 1131, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: www.sfwmd.gov/gover/wrac/webpage/agenda.html.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Paula Moree, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1131, West Palm Beach, FL 33406, (561)682-6447.

The Big Cypress Basin Board, **South Florida Water Management District** announces a public meeting in which all interested persons are invited.

DATE AND TIME: January 27, 2006, 9:00 a.m. – 12:00 Noon

PLACE: Lake Trafford

GENERAL SUBJECT MATTER TO BE CONSIDERED: Big Cypress Basin Board Members to review the Lake Trafford Restoration Project.

Those persons, who desire more information regarding this meeting, 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.

DATE AND TIME: Tuesday, February 7, 2006, 1:00 p.m. – complete

PLACE: Hyatt Regency Coconut Point, 5001 Coconut Road, Bonita Springs, FL 34134

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Wednesday, February 8, 2006, 9:00 a.m. – complete

PLACE: Florida Gulf Coast University Student Union Ballroom, 1501 FGCU Boulevard, South, Fort Myers, FL 33965

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Workshop/Meeting to discuss and consider District business including regulatory and non-regulatory matters.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680, Website: http://my.sfwmd.gov/portal/page?_pageid=153,351022&_dad=portal&_schema=PORTAL.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Director, Governing Board and Executive Services, District Headquarters, 3301 Gun Club Road, Mail Stop Code 1130, West Palm Beach, FL 33406, (561)682-6371.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIMES: Thursday, February 9, 2006, 8:30 a.m. – 10:30 a.m. (sample processing); 11:00 a.m. – 3:30 p.m. (discussion)

PLACE: The South Florida Water Management District Chemistry Lab Facility, 1480 Skees Road, West Palm Beach, FL 33411

GENERAL SUBJECT MATTER TO BE CONSIDERED: Follow-up discussion on Marsh Sampling Procedures and Techniques as requested by the Everglades Technical Oversight Committee (TOC).

This workshop will include both demonstration/training on sample processing and discussion session on sampling procedures and techniques. Due to limited time and space in the laboratory area, hands-on training will be limited to personnel and technical staff responsible for actual sample collection or preparing sampling procedures.

A copy of the agenda may be obtained by contacting: Delia Ivanoff, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2681, e-mail: divanoff@sfwmd.gov.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Delia Ivanoff, District Headquarters, 3301 Gun Club Road, West Palm Beach, FL 33406, (561)682-2681, e-mail: divanoff@sfwmd.gov.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, February 21, 2006, 10:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly meeting of the Everglades Technical Oversight Committee (TOC).

A copy of the agenda may be obtained at: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680, District Website: <http://www.sfwmd.gov/org/ema/toc/draftagenda.html>.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the District Clerk, (561)686-8800, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Dr. Garth Redfield, Environmental Resource Assessment Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 4610, West Palm Beach, FL 33406, (561)682-6611.

COMMISSION FOR THE TRANSPORTATION DISADVANTAGED

The Florida **Commission for the Transportation Disadvantaged** announces a Legislative Committee Meeting to which all persons are invited.

DATE AND TIME: Thursday, February 2, 2006, 1:00 p.m. – completion

PLACE: Commission Business Office, Rhyne Building, Room 308, 2740 Centerview Drive, Tallahassee, Florida 32301, (850)410-5700, Conference Call Number (850)414-1711, Suncom 994-1711

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss filed legislation and proposed changes and other regular committee items.

In accordance with the Americans with Disabilities Act, persons in need of special accommodations to participate in the meeting or an agenda should contact: Niki Branch, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS-49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

The meeting is subject to change upon chairperson's request.

DEPARTMENT OF ELDER AFFAIRS

The **2006 Senior Resource Alliance**, Board of Directors announces its meeting schedule.

DATES AND TIME: January 27, 2006; March 24, 2006; May 26, 2006; July 28, 2006; September 22, 2006; November 17, 2006, 12:00 Noon – 2:30 p.m.

PLACE: Conference Room A, Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

2006 Senior Resource Alliance Advisory Council Meeting Schedule

DATES AND TIMES: February 17, 2006, 12:00 Noon – 2:00 p.m.; April 28, 2006, 10:00 a.m. – 12:00 Noon; May 26, 2006, 10:00 a.m. – 12:00 Noon (joint meeting with the Board of Directors); August 25, 2006, 10:00 a.m. – 12:00 Noon; October 27, 2006, 10:00 a.m. – 12:00 Noon; November 17, 2006, 10:00 a.m. – 12:00 Noon (joint meeting with the Board of Directors)

PLACE: Conference Room A, Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

2006 Executive/Finance Committee Meeting Schedule

DATE AND TIME: June 23, 2006, 12:00 Noon – 2:30 p.m.

PLACE: Conference Room A, Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

Only members of these committees will need to attend.

For any additional information please contact: Anne Rogers, Executive Assistant, (407)228-7760.

The Florida **Department of Elder Affairs**, Division of State Wide Community-Based Services announces a workshop for all providers and potential providers of services under the long-term care community diversion pilot projects. Participation is voluntary and all interested parties are invited to attend.

DATE AND TIME: Thursday, February 2, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Encounter data reporting requirements and enrollment/disenrollment transactions with the Medicaid fiscal agent for the long-term care community diversion pilot projects.

In accordance with the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop should advise the department at least seventy-two (72) hours before the workshop by contacting: David Oropallo, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, Suncom 994-2000, e-mail: oropalod@elderaffairs.org.

If you are hearing or speech impaired, please contact the department by calling (850)414-2001.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration**, Medicaid Reform Technical Advisory Panel announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: January 27, 2006, 9:00 a.m. – 12:00 Noon
PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL, "Listen Only" Meet Me No. (850)487-8587, Suncom 277-8587

DATE AND TIME: February 21, 2006, 1:30 p.m. – 4:30 p.m.
PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee "Listen Only" Meet Me No. (850)410-0967, Suncom 210-0967

The **Agency for Health Care Administration** announces a meeting of the Comprehensive Health Information System Advisory Council (CHIS) Health Plan Consumer Report Technical Workgroup, to which all interested parties are invited.

DATE AND TIME: Wednesday, February 1, 2006, 10:00 a.m.
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Health Plan Consumer Reports Technical Workgroup to discuss the content and format of the Health Plan website to be released in October 2006.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact William Dahlem, (850)410-0224, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: William Dahlem, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403, CHIS website: http://ahca.myflorida.com/SCHS/upcoming_meetings.shtml.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: February 3, 2006, 1:00 p.m. – 5:00 p.m.
PLACE: University of South Florida, College of Business Administration, Room 230, Second Floor, Business School Annex, 4202 East Fowler Avenue, Tampa, Florida 33620

GENERAL SUBJECT MATTER TO BE CONSIDERED: Certificate of Need – Interventional Cardiology Advisory Group Meeting

A copy of the agenda may be obtained by writing: Agency for Health Care Administration, 2727 Mahan Drive, MS #28A, Tallahassee, Florida 32308. Agendas can also be requested via e-mail: ehlerst@ahca.myflorida.com. To be included in e-mail notices of the interventional cardiology advisory group, please mail/e-mail or fax your e-mail address to the address above or fax to (850)413-7955.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)922-0791.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: January 31, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Hilton Jacksonville Riverfront, 1201 Riverplace Boulevard, Jacksonville, FL 32207

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding risk adjustments, rate setting, and data books for Medicaid reform.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call (850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Dennis Ngin, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

The **Agency for Health Care Administration** announces an Informational Workshop to which all persons are invited.

DATE AND TIME: February 1, 2006, 9:00 a.m. – 12:00 Noon (RSVP to ngind@ahca.myflorida.com)

PLACE: North Broward Service Center, 1400 W. Commercial Blvd., Room 195, Fort Lauderdale, FL 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: This workshop is being held to afford interested persons the opportunity to gather information regarding risk adjustments, rate setting, and data books for Medicaid reform. Due to space limitations, please RSVP your attendance with Dennis Ngin at ngind@ahca.myflorida.com.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given below or call

(850)488-3560. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

A copy of the agenda may be obtained by writing: Dennis Ngin, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop #8, Tallahassee, FL 32308.

DEPARTMENT OF MANAGEMENT SERVICES

The **Florida Correctional Finance Corporation** announces a meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, February 2, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Department of Management Services, Building 4050, Conference Room 160J, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Correctional Finance Corporation announces the meeting of its Board to amend its articles of incorporation. The Board will consider corporate resolutions approving bond financing, along with any other matters that may come before the Board.

The Florida **Agency for Workforce Innovation** announces a meeting of the Child Care Executive Partnership to which all interested persons are invited to participate.

DATE AND TIME: Tuesday, January 31, 2006, 7:00 p.m. – 9:00 p.m. or until business is concluded

PLACE: Royal Plaza Hotel, 1905 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830, 1(800)248-7890 (To dial in call, call (850)414-5775, Suncom 994-5775)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board business.

Materials will be available online after January 24, 2006 at www.ccep.bz.

For additional information or if you need special accommodations, call Natalie Sellars, (850)921-3173.

The **Agency for Workforce Innovation**, Office of Early Learning announces a rule development workshop to which all interested parties are invited.

DATE AND TIME: February 15, 2006, 1:00 p.m. – 5:00 p.m. or until business is concluded

PLACE: Agency for Workforce Innovation, Caldwell Building, 107 E. Madison Street, Room B-49, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Criteria for the approval of school readiness plans, including eligibility requirements for school readiness providers, health and safety requirements, and requirements for program compliance, monitoring, dispute resolution, review proceedings, and forms.

A copy of the preliminary draft shall be available online by February 8, 2006, at <http://www.floridajobs.org/earlylearning/>. Written comments may be submitted to: AWI, Office of General Counsel, 107 E. Madison Street, MSC 110, Tallahassee, FL 32399-4128.

For more information or if you need special accommodations, please contact: Nicole Cutchin, (850)245-7158.

State of Florida, **State Technology Office** announces a Chief Information Officers (CIO) Council Meeting to which all persons are invited.

DATE AND TIME: Monday, January 30, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 166, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

If you would like an agenda for this meeting or require special accommodations due to disability or physical impairment, please contact: Diane McGuffey, (850)410-4702, e-mail: mcguffey.diane@mail.dc.state.fl.us.

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** announces a meeting of the Advisory Council on Condominiums.

DATE AND TIME: Monday, January 30, 2006, 10:00 a.m. – 4:00 p.m.; 5:00 p.m. – business is completed

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: 10:00 a.m. – 4:00 p.m.: General business meeting. Public input will be taken from 5:00 p.m. until business is completed.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

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

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting.

DATE AND TIMES: January 24, 2006, 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: 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, (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Department of Business and Professional Regulation, Board of Employee Leasing Companies** announces an official general business meeting to which only limited persons are invited to attend.

DATE AND TIME: Thursday, February 16, 2006, 9:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause panel Meeting (closed to the public).

To obtain a copy of the public portion of the agenda, further information, or submit written or other physical evidence, contact: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, (850)487-1395.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: February 15, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting.
DATES AND TIME: February 16-17, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.
PLACE: Caribe Royale Resort, 8101 World Centre Drive, Orlando, FL

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, Building Code Administrators and Inspectors Board, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: April 26, 2006, 9:00 a.m. (CST)
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting
DATES AND TIME: April 27-28, 2006, 9:00 a.m. (CST)
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.
PLACE: Bay Point Marriott Resort, 4200 Marriott Drive, Panama City Beach, FL 32408

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, Building Code Administrators and Inspectors Board, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: June 7, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting.
DATES AND TIME: June 8-9, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.
PLACE: The Casa Monica Hotel, 95 Cordova Street, St. Augustine, FL

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, Building Code Administrators and Inspectors Board, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Building Code Administrators and Inspectors Board** announces the following meetings to which all persons are invited to attend.

DATE AND TIME: October 4, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee Meeting.
DATES AND TIME: October 5-6, 2006, 9:00 a.m.
GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review Committee, Rules and Legislation, Examination and Continuing Education, Executive Committee Meetings and General Board and Business Meeting.
PLACE: Sea Turtle Inn, 1 Ocean Boulevard, Atlantic Beach, FL

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, Building

Code Administrators and Inspectors Board, (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, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Regulatory Council of Community Association Managers** announces the following general business meeting to which all persons are invited.

DATE AND TIME: February 3, 2006, 9:00 a.m. (EST)

PLACE: Department of Business and Professional Regulation, Conference Room, 1940 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Council.

A copy of the agenda may be obtained by writing: The Regulatory Council of Community Association Managers, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least forty-eight (48) hours before the meeting by contacting (850)922-5012. If you are hearing and speech impaired, please contact the agency by calling 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Council with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

The **Board of Accountancy**, Committee on Continuing Professional Education announces the following public meeting to which all persons are invited.

DATE AND TIME: Tuesday, February 7, 2006, 9:00 a.m.

PLACE: Via Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review reporting forms and requests for course approval.

If you wish to participate in this meeting or receive a copy of the agenda, please contact: Karan Lee, Board of Accountancy, 240 N. W. 76th Drive, Suite A, Gainesville, Florida 32607, (850)487-1395.

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, February 10, 2006, 8:30 a.m.

PLACE: Jacksonville Marriott, 4670 Salisbury Road, Jacksonville, Florida 32256, (904)296-2222

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4355, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257, website: www.doh.state.fl.us/mqa/chiro/index.html.

The **Department of Health, Board of Dentistry** announces a general business meeting to which all persons are invited.

DATE AND TIME: February 10, 2006, 8:00 a.m.

PLACE: DoubleTree Hotel Tallahassee, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing**, North Cause Panel will hold a duly noticed teleconference call meeting, to which all persons are invited to attend.

DATE AND TIME: February 13, 2006, 5:30 p.m.

PLACE: Department of Health, Tallahassee, Meet Me Number (850)921-6513

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board, (850)245-4125, at least 48 hours prior to the meeting. If you are a hearing or speech impaired, please contact the Board office using the Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

A copy of the agenda item may be obtained by writing: Dan Coble, Executive Director, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

The **Department of Health, Board of Pharmacy**, Probable Cause Panel announces a public meeting to which all persons are invited.

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

PLACE: Conference Call, (850)922-7892, Toll Free 1(800)416-4132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Panel will meet for reconsideration of disciplinary cases where probable cause was found.

A copy of the board agenda materials, which are open to the public, may be obtained by writing: Garnet Keller, Program Administrator, Board of Pharmacy, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3254.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board of Pharmacy, Garnet Keller, (850)245-4614, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting he will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE OF RESCHEDULING – The Department of Health announces the meeting of the Variance Review and Advisory Committee for Onsite Sewage Treatment and disposal Systems, scheduled for December 6, 2006 in Tallahassee, has been rescheduled.

The **Department of Health** announces the following public meeting to examine variance applications received by November 15, 2006, and to provide input regarding any rule issues requested by the Technical Review and Advisory Panel.

DATE AND TIME: Thursday, December 7, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Carr Building, Conference Room 170, 3800 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To examine applications for variance from the requirements of Chapter 64E-6, Florida Administrative Code, entitled “Standards for Onsite Sewage Treatment and Disposal

Systems” pursuant to Section 381.0065(3)(d), F.S., and to provide input on any rule issues requested by the Technical Review and Advisory Panel pursuant to Section 381.0068(2), F.S.

A copy of the agenda may be obtained ten days prior to each meeting date by writing: Gerald R. Briggs, Chief, Bureau of Onsite Sewage Programs, Department of Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

Any person requiring a special accommodation at one of these meetings because of disability or physical impairment should contact Shirley Kugler, (850)245-4070, at least two weeks prior to the meeting.

The Florida **Department of Health**, Drug Wholesaler Advisory Council announces a meeting to which all interested persons are invited to participate.

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

PLACE: 4052 Bald Cypress Way, Room 301, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The agenda will include Welcome/Introductions, Approval of Minutes from November 17, 2005, Meeting; Old Business; New Business; Open Discussion.

Please contact Maxine Wenzinger, (850)922-5190 if you have any questions.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Commission on Marriage and Family Support Initiatives** announces the following meetings of the commission to which all persons are invited to attend.

MEETING TYPE: EXECUTIVE COMMITTEE

DATE AND TIME: Wednesday, February 1, 2006, 8:30 a.m. – 9:30 a.m.

MEETING TYPE: PROGRAM COMMITTEE

DATE AND TIME: Wednesday, February 1, 2006, 10:00 a.m. – 11:30 a.m.

MEETING TYPE: POLICY COMMITTEE

DATE AND TIME: Thursday, February 2, 2006, 9:00 a.m. – 11:00 a.m.

MEETING TYPE: PUBLIC AWARENESS COMMITTEE

DATE AND TIME: Friday, February 17, 2006, 10:00 a.m. – 12:00 Noon

MEETING TYPE: RESOURCE DEVELOPMENT COMMITTEE

DATE AND TIME: Thursday, February 9, 2006, 11:00 a.m. – 12:00 Noon

PLACE: Via conference call: 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

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.

The **Commission on Marriage and Family Support Initiatives** announces the following meetings of the commission to which all persons are invited to attend.

MEETING TYPE: GENERAL COMMISSION MEETING

DATES AND TIMES: February 9, 2006, 3:00 p.m. – 8:00 p.m.; February 10, 2006, 8:30 a.m. – 3:00 p.m.

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez, (850)488-4952, Ext. 135, e-mail: hrodriguez@ounce.org.

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.

The **Department of Children and Family Services**, District 12, Community Alliance New Member Committee announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2006, 10:00 a.m.

PLACE: Dept. of Children and Family Services, 210 N. Palmetto Ave., Conference Room 430, Daytona Beach, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: General Meeting.

A copy of the agenda may be obtained by writing: Department of Children and Family Services, 210 N. Palmetto Avenue, Daytona Beach, FL 32114-3284, Attn: Denise Kelly.

If you need special accommodations (i.e. assisted listening devices, sign language interpreter, etc.) please notify Denise Kelly, (386)238-4648, at least 48 hours in advance of the meeting. If you are hearing or speech impaired, please use Florida Relay Service for TDD or TTY, 1(800)955-8771.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting of the Corporation to which all persons are invited.

DATES AND TIME: Wednesdays, beginning January 4, 2006 and ending December 27, 2006, 2:00 p.m.

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, 1st Floor, Conference Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Corporation's State Housing Initiatives Partnership (SHIP) Program Review Committee. The purpose of these Review Committee Meetings is to consider SHIP related matters and approve New and Amended

Local Housing Assistance Plans submitted by any of the 67 counties or 48 entitlement municipalities participating in the SHIP Program.

Any person requiring a special accommodation at these meetings because of a disability or physical impairment should contact Darlene Raker, Florida Housing Finance Corporation, 1(850)488-4197, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

If any person decides to appeal any decision made by the Corporation with respect to any matter considered at these meetings, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

The **Florida Housing Finance Corporation** announces a public meeting to which all interested persons are invited.

DATE AND TIME: January 31, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: Orlando City Hall, Overlook Room, 9th Floor, One City Commons, 400 South Orange Avenue, Orlando, FL 32801
GENERAL SUBJECT MATTER TO BE CONSIDERED: To engage in discussion relative to how Florida Housing and the development community can better serve the rental housing needs of people with disabilities.

Any person requiring a special accommodation at the workshop because of a disability or physical impairment should contact Freyja Harris, (850)488-4197. If you are hearing or speech impaired, please contact the Corporation using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Florida Fish and Wildlife Conservation Commission** (FWC) announces a public meeting to which all interested persons are invited.

DATE AND TIME: February 7, 2006, 6:30 p.m. – 8:30 p.m. (EST)

PLACE: Clay County Fairgrounds, 2497 SR 16 West, Green Cove Springs, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Since September 11, 2001 that portion of the Camp Blanding Wildlife Management Area (WMA) south of SR 16 has been closed to recreational access by the Department of Military Affairs. In recent weeks, the Camp Blanding Joint Training Center (CBJTC) and the FWC have developed a plan that would modify the current hunting format and restore deer-dog hunting opportunities, for the 2006-07 seasons. The first step taken to obtain public input was to mail letters to all hunters who listed Camp Blanding as one of their four choices on the quota hunt application, and requesting their comments on the

proposal. The purpose of this open house is to allow the public to review a synopsis of the responses received to ensure that the essence of their comments have been included, have an opportunity to discuss the issue with FWC staff, and provide additional written comments.

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 5 calendar days before the meeting by contacting the ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542. For further information contact: Karen Parker, (386)758-0525.

FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 31, 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 to reconsider the approval for adoption of proposed amendments, as revised at the Financial Services Commission meeting of January 11, 2006, to Rules 69O-170.005, .006, .007, .013, .0135, .014, .0141, .0142, .0143, .0155, F.A.C., originally published on July 1, 2005, in Vol. 31, No. 26, 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: Frank Dino, e-mail frank.dino@fldfs.com.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIMES: January 31, 2006, First Hearing Session – 10:00 a.m.; Second Hearing Session – 6:00 p.m.

PLACE: Manuel Arttime Theater, 900 S. W. 1st Street, Miami, Florida 33130

CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276; Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: QBE Insurance Corporation has requested a 38% average statewide rate increase. The requested rate increase was not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: Kristopher Duer, e-mail: kristopher.duer@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Manuel Arttime Theater, (305)575-5057, at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: February 1, 2006, First Hearing Session – 10:00 a.m.; Second Hearing Session – 6:00 p.m.

PLACE: Manuel Arttime Theater, 900 S. W. 1st Street, Miami, Florida 33130

CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276; Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Property Insurance Corporation has requested rate increases for the following coverages: homeowners insurance, mobile home owners insurance, and dwelling fire insurance. The proposed increases are applicable to policies that include coverage for wind and policies that do not include coverage for wind. The statewide average for the proposed increases ranges from 22.6% to 68.2%. The proposed rate increases vary by coverage type and geographic location. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: Kristopher Duer, e-mail: kristopher.duer@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the Manuel Arttime Theater, (305)575-5057, at least 48 hours before the hearing.

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATES AND TIMES: February 2, 2006, Hearing Session Starts – 6:00 p.m.; February 3, 2006, Hearing Session Starts – 10:00 a.m.

PLACE: The Harborview Center, 300 Cleveland Street, Clearwater, Florida 33755

CONTACT NAME AND NUMBER: Kristopher Duer, Esquire, (850)413-4276; Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Citizens Property Insurance Corporation has requested rate increases for the following coverages: homeowners insurance, mobile home owners insurance, and dwelling fire insurance. The proposed increases are applicable to policies that include coverage for wind and policies that do not include coverage for wind. The statewide average for the proposed increases ranges from 22.6% to 68.2%. The proposed rate increases vary by coverage type and geographic location. Florida law allows the Office of Insurance Regulation to hold a public hearing for any

purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: Kristopher Duer, e-mail: kristopher.duer@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone the The Harborview Center, (727)462-6778, at least 48 hours before the hearing.

RESCHEDULED NOTICE – The Financial Services Commission announces a public hearing to which all persons are invited.

NEW DATE AND TIME: March 16, 2006, 9:00 a.m. during a regular meeting of the Financial Services Commission. Please note this was previously scheduled for March 14, 2006, as published January 13, 2006, in Vol. 32, No. 2, of the Florida Administrative Weekly

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 Rule 69O-164.030, F.A.C., published on November 4, 2005 in Vol. 31, No. 44, of the Florida Administrative Weekly. No notice of change was published.

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: Kerry Krantz, e-mail: kerry.krantz@fldfs.com.

RESCHEDULED NOTICE – The Financial Services Commission announces a public hearing to which all persons are invited.

NEW DATE AND TIME: March 16, 2006, 9:00 a.m., during a regular meeting of the Financial Services Commission. Please note this was previously scheduled for March 14, 2006, as published January 13, 2006, in Vol. 32, No. 2, of the Florida Administrative Weekly.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the repeal to Rule Chapter 69O-211, Insurance Representatives, Florida Administrative Code, published on October 28, 2005 in Vol. 31, No. 43, of the Florida Administrative Weekly. No notice of change was published.

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: Bob Prentiss, e-mail: bob.prentiss@fldfs.com.

RESCHEDULED NOTICE – The Financial Services Commission announces a public hearing to which all persons are invited.

NEW DATE AND TIME: 9:00 a.m., March 16, 2006, during a regular meeting of the Financial Services Commission. Please note this was previously scheduled for March 14, 2006, as published January 13, 2006, in Vol. 32, No. 2, of the Florida Administrative Weekly.

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 Rule 69O-203.204, F.A.C., and adoption of new Rule 69O-203.205, F.A.C., published on November 4, 2005 in Vol. 31, No. 44, of the Florida Administrative Weekly. No notice of change was published.

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: Frank Dino, e-mail: frank.dino@fldfs.com.

The Financial Services Commission announces a public hearing to which all persons are invited.

DATE AND TIME: March 16, 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 Rule 69O-125.003, F.A.C., published on November 23, 2005, in Vol. 31, No. 47, of the FAW. No notice of change was published.

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: Frank Dino, e-mail: frank.dino@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-125.003 Unfair Discrimination Because of Travel Plans.

(1) No insurer nor person authorized to engage in the business of insurance in the State of Florida shall refuse to issue any policy, contract or certificate of life insurance, annuity contract, accident, disability or health insurance, solely

because of the intent of the applicant to engage in future lawful foreign travel or based upon past lawful foreign travel, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(2) No insurer nor person authorized to engage in the business of insurance in the State of Florida, shall, in determining the rates charged an applicant for coverage under any policy, contract or certificate of life insurance, annuity contract, accident, disability or health insurance, issued or to be issued to be delivered to any resident of this state, consider the intent of the applicant to engage in future lawful foreign travel or past lawful travel of the applicant, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(3) Violation of this rule constitutes unfair discrimination prohibited by Section 626.9541(1)(g), Florida Statutes.

Specific Authority 626.9611 FS. Law Implemented 626.951, 626.9521, 626.9541(1)(g) FS. History--New _____.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: March 16, 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 Rule 690-138.002, F.A.C., published on August 26, 2005, in Vol. 31, No. 34, of the FAW; a notice of change was published on December 9, 2005, in Vol. 31, No. 48, of the FAW.

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: Stephen Szypula, e-mail steve.szypula@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.002 Financial, Rate, and Market Conduct Examination Reimbursement Expenses.

(1) This rule establishes rates and procedures for reimbursement to the Office for examination and per diem expenses for examinations conducted by Office employees pursuant to the provisions of Sections 624.316 and 624.3161, Florida Statutes.

(2) Examination and per diem charges will be computed beginning at the start of the examination of time the examiner reports for duty at the insurer to be examined and the

examiner's active participation in the examination planning, and ending at the completion of the examination and ~~or at~~ the end of the examiner's active participation in the examination, whichever is earlier. Where the examiner does not spend a full eight hour day in conducting the examination or planning, the insurer will only be charged for the time actually spent on planning or examination on a pro rata basis. If the examiner begins planning the examination more than a week prior to the actual on-site work, the Office will give written notice to the company being examined. No charges will be made for clerical or research work done by support staff to facilitate the examination or examiner's report. Charges will also be assessed for actual travel days as certified by the Office.

(3) The daily examination fee for each financial examination employee or dual financial and market conduct examination employee shall be at the rates as published in the National Association of Insurance Commissioners Financial Condition Examiners Handbook Attachment B which is adopted in Rule 690-138.001, F.A.C. The rates as published are applied as follows:

(a) The Insurance Company Examiner rate is applied to our Financial Examiner/Analyst I positions and any other positions not specifically identified.

(b) The Senior Insurance Examiner rate is applied to our Financial Examiner/Analyst II and Financial Specialist positions when such examiners are not in an examiner-in-charge role.

(c) The Insurance Examiner In-Charge rate is applied to any of our positions when such examiner is in the examiner-in-charge.

(d) The Administrative Examiner rate is applied to our Financial Examiner/Analyst Supervisor and any other positions that are in a supervisory capacity.

In addition, the daily examination fee shall be \$232 ~~\$206.00~~ for each market conduct examination employee and \$461 for each actuarial employee. The daily rates are applicable to ~~for~~ each day the employees are ~~is~~ participating on the examination site. ~~In addition, each insurer shall pay to the Office an amount equal to 50% of the total examination fee for attendant administrative costs.~~

(4) The per diem and other travel charges shall be the maximum per diem charges contained in the most current version of the Office's Administrative Policy and Procedure 7-4, (2-27-05) which is incorporated by reference and is available for inspection at the Tallahassee office of the Office, Attachment B, as revised 1/91, to section 8: Classification, Minimum Qualifications and Suggested Compensation for Zone Examiners, in the Financial Examiners Handbook issued by the National Association of Insurance Commissioners, which is hereby adopted and incorporated by reference, or the actual per diem and shown on the examiner's expense voucher;

whichever is higher. ~~Other travel expenses~~ will also be charged based on actual travel expenses incurred by the examiners.

~~(5) Each insurer will be billed on a monthly basis, based on the examiner's expense vouchers as submitted to the Office.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.316, 624.3161, 624.320 FS. History—New 3-30-92, Amended 12-27-92, Formerly 4-138.002, Amended _____.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE

The **H. Lee Moffitt Cancer Center and Research Institute**, Inc. announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 25, 2006, 1:30 p.m.
 PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Joint Finance and Planning Committee of the Board of Directors.

A copy of the agenda may be obtained by writing: Ms. Barbara Sawyer, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, Tampa, FL 33612

Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Barbara Sawyer by Friday, January 20, 2006.

AREA AGENCY ON AGING

The **Area Agency on Aging of Pasco-Pinellas**, Inc. (AAAPP) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, February 3, 2006 (Please call (727)570-9696 to confirm date, time and location)
 PLACE: Dr. William E. Hale, Senior Activity Center, 330 Douglas Avenue, Dunedin, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc. – Board Meetings.

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.

The **Northwest Florida Area Agency on Aging**, Inc., Board of Directors announces its monthly meetings for year 2006. The public is invited to attend.

DATES AND TIME: February 8, 2006; March 8, 2006; April 12, 2006; May 10, 2006; June 14, 2006; July 12, 2006; August 9, 2006; September 13, 2006; October 11, 2006; November 8, 2006; December 13, 2006, 6:00 p.m.

PLACE: Area Agency office, 5090 Commerce Park Circle, Pensacola, FL 32505

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss policy/activities/service provision/funding and/or other information pertinent to the activities of the agency.

A copy of the agenda may be obtained by writing: Northwest Florida Area Agency, Inc., 5090 Commerce Park Circle, Pensacola, FL 32505, Attn: Dottie Peoples.

FLORIDA ASSOCIATION OF COURT CLERKS AND COMPTROLLERS

The Board of Trustees for the **Florida Local Government Investment Trust** announces a public meeting to which all persons are invited.

DATE AND TIME: February 6, 2006, 12:00 Noon
 PLACE: Orange County Comptroller's Office, 201 S. Rosalind Avenue, 4th Floor, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Administrative Operations.

A copy of the agenda may be obtained by contacting: Trust's Administrator, FACC Service Corporation, (850)921-0808.

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: February 9, 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.

**Section VII
 Notices of Petitions and Dispositions
 Regarding Declaratory Statements**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Declaratory Statement received from All American Shutters, on September 21, 2005, has been withdrawn. Notice of receipt of this petition, which was assigned the number of DCA05-DEC-178, appeared in the October 28, 2005, edition of the Florida Administrative Weekly.

A copy of the withdrawal may be obtained by writing: Paula P. Ford, Agency 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 November 29, 2005, from Andreu & Associates, Inc., regarding the use of PVC Schedule 40 piping within non-fire rated walls being utilized to extend electrical risers and for general use electrical circuits pursuant to Section 707.1, Florida Building Code, Building Volume (2001 as amended 06/03).

It has been assigned the number DCA05-DEC-203.

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 November 4, 2005, from Basham & Lucas Design Group, Inc., regarding the required plumbing fixture count for a swimming pool and surrounding deck pursuant to Sections 403.1 and 403.8, Florida Building Code, Plumbing Volume, and Section 424.1.6, Florida Building Code, Building Volume (2004 as amended 12/05).

It has been assigned the number DCA05-DEC-215.

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 November 16, 2005, from Marion County Building Department regarding whether a particular fiberglass duct complying with identified standards can be approved as an alternate to that type required by Section 309.1.1, Florida Building Code, Residential Volume (2004 as amended 12/05).

It has been assigned the number DCA05-DEC-216.

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 November 16, 2005, from Florida Air Designs, Inc., DBA/Dependable Air Designs, regarding the Orange County Building Department's interpretation of Sections 13-103.1.1.1 and 13-400ABC.1, Florida Building Code, Building Volume (2004, as amended 12/05) regarding the definition of design professionals.

It has been assigned the number DCA05-DEC-217.

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 November 16, 2005, from Al-Farooq Corporation, regarding appropriate design considerations and analysis parameters relating to glazing products pursuant to Section 2403.2, Florida Building Code, Building Volume (2004, as amended 12/05), as ASTM E1300-02 adopted by reference therein.

It has been assigned the number DCA05-DEC-219.

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 November 16, 2005, from T. Eric Stafford & Associates, LLC, regarding the calculation of main wind force resisting system loads for the rood to wall connections for rafters or trusses on homes pursuant to Section 1609.1.1, Florida Building Code, Building Volume (2004, as amended 12/05) and ASCE 7-02, adopted by reference therein.

It has been assigned the number DCA05-DEC-220.

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 December 2, 2005, from Arroyo Enterprises, Inc., regarding the requirement for providing heating capacity of defined capability in sunrooms pursuant to Section 303.8, Florida Building Code, Residential Volume (2004 as amended 12/05).

It has been assigned the number DCA05-DEC-235.

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 December 21, 2005, from DASMA, regarding whether substantiating data is required to be submitted in support of a product approval application and how the data will be handled by the Commission pursuant to Chapter 9B-72, F.A.C.

It has been assigned the number DCA05-DEC-245.

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 December 21, 2005, from DASMA, regarding the requirements applicable to test labs pursuant to Chapter 9B-72, F.A.C.

It has been assigned the number DCA05-DEC-282.

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 December 27, 2005, from Madsen, Kneppers & Associates, regarding the applicability of "the twenty-five (25) percent rule for roof covering repair" to existing buildings in the high velocity hurricane zone pursuant to Section 1521.4, Florida Building Code, Building Volume, and Section 4402.10.2, Florida Building Code, Residential Volume (2004 as amended 12/05).

It has been assigned the number DCA05-DEC-283.

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 December 30, 2005, from Andrew Croft, regarding whether petitioner's product, a protective netting for pitched roofs, can be approved by the Commission for statewide use pursuant to Chapter 9B-72, F.A.C.

It has been assigned the number DCA05-DEC-284.

A copy of the request may be obtained by writing: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Richard Green, Unit Owner, Commodore Plaza Condominium Association, Inc.; Docket Nos. 2005053242 and 2005053334.

The petition for declaratory statement requesting an opinion as to whether the Division is properly investigating complaints filed by petitioner regarding an accountant's work papers, directors' private financial records, and the reasonableness of a record inspection rule under Section 718.501, F.S., is denied because petitioner has not provided the condominium documents as requested, the record inspection rule inquiry is now moot, a related proceeding concerning the same issue is pending, and the issues involve disputed facts.

A copy of the Order Denying Petition for Declaratory Statement, Docket Numbers 2005053242 and 2005053334, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Fairway Bay Association, Inc., Docket No. 2005056024.

The petition for declaratory statement requesting an opinion as to whether an amendment to the insurance provision in the declaration of Fairway Bay Condominium controls the insurance responsibilities of the association and unit owners is denied because it involves the interpretation of condominium documents and a contract as well as addresses past actions of the association.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2005056024, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an Order Denying Petition for Declaratory Statement In Re: Petition for Declaratory Statement, Richard Green, Unit Owner, Commodore Plaza Condominium Association, Inc.; Docket No. 2005051094.

The petition for declaratory statement requesting an opinion as to whether an association may restrict a unit owner from soliciting support for a recall election under Section 718.112(2)(j), F.S., and Rules 61B-23.0027 and 61B-23.0028, F.A.C., is denied because petitioner has not provided the condominium documents as requested and has raised a hypothetical question; and because it concerns the enforcement of an association rule not the application of a statute, rule, or order.

A copy of the Order Denying Petition for Declaratory Statement, Docket Number 2005051094, may be obtained by writing: Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

The Electrical Contractors' Licensing Board hereby gives notice that it has issued an Order on the Petition for Declaratory Statement, that was filed on August 9, 2005 by Brent J. Horton, Esquire, on behalf of Partech, Inc. The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 34, of the August 26, 2005, Florida Administrative Weekly. Petitioner sought the Board's interpretation of Section 489.503, F.S., entitled "Exemptions," and whether Partech must use licensed electrical contractors for the installation of Point of Sale Computer Systems. The Electrical Contractors' Licensing Board considered the Petition at its meeting held on September 23, 2005, in Palm Beach, Florida. The Board's Order, filed on December 7, 2005, answered the Petition for Declaratory Statement in the affirmative, finding that the installation of the Point of Sale Computer Systems must be performed by a licensed electrical contractor.

A copy of the Board's Order may be obtained by contacting: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0783.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

The Board of Chiropractic Medicine hereby gives notice that it has received a Petition for Declaratory Statement filed on January 10, 2006 on behalf of Fred Quintana, D.C. The Petitioner seeks the Board's interpretation of the application of Section 460.403(9)(a), F.S. Specifically, the Petitioner requests that the Board issue a Declaratory Statement to the effect that Section 460.403(9)(a) and (c), F.S., permits Petitioner to

delegate to a trained, yet unlicensed assistant, the use of physical means or physiotherapy, including light heat, water, or exercise by way of simple physical modalities such as hot packs, electrical muscle stimulators, ultrasound therapy devices and mechanical massage.

Copies of the petition may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Chiropractic Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that the Department of Financial Services has issued an order disposing of the petition for declaratory statement filed by Eric Neilinger, Fire Alarm Systems & Security, Inc., on September 12, 2005. The following is a summary of the agency's disposition of the petition: The answer to the question of whether it is permissible for Petitioner to install additional system smoke detectors in the living area connected to the building alarm for the living areas and leave the existing interconnected single station smoke detectors in the bedrooms, not connected to the building alarm, is no, because the alarm devices must *function as a single system* as required by the National Fire Alarm Code.

A copy of the order may be obtained from: Gabriel Mazzeo, Attorney, Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, Fax request to (850)922-1235. An unsigned but exact copy of the order is also available on the Division's website: <http://www.fldfs.com/SFM/sfmdeclaratorysummaries.htm>.

**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

COMMITTEE MEETING AGENDA

January 23, 2006

HOUSE OFFICE BUILDING
Committee Room 24

4:00 p.m. – 5:30 p.m.

CALL TO ORDER AND ROLL CALL

TAB 1 STATUS REPORT

NEW OBJECTIONS:

TAB 2 64B1-3.001(6), Definitions.
Department of Health; Board of Acupuncture

TAB 3 64B1-9.005, Definitions.
Department of Health; Board of Acupuncture

TAB 4 REPORT ON INITIATIVE TO REVIEW
EXISTING RULES

TAB 5 REPORT ON:
*A POCKET GUIDE TO FLORIDA'S
ADMINISTRATIVE PROCEDURE ACT*

REPORTS AND APPEARANCES

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF AGRICULTURE AND CONSUMER
SERVICES

INVITATION TO BID

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF MARKETING, hereinafter referred to as Owner, for the repair and construction of building facilities at the Ft. Myers Farmers' Market located at 2744 Edison Avenue, Ft. Myers, Florida, which shall include all labor, equipment, and materials necessary to repair and construct the buildings. The Project Budget is: \$5,300,000.00

PROJECT NAME & LOCATION: Repair and construction of building facilities at the Ft. Myers Farmers' Market, Ft. Myers, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, including plans and specifications, may be viewed and downloaded from the Vendor Bid System at <http://www.myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DM-05/06-83, or by calling the Purchasing Office at (850)487-3727.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on February 1, 2006, at 10:00 a.m., at the Ft. Myers Farmers' Market, 2744 Edison Avenue, Ft. Myers, Florida 33902, specifically at the Market Manager's Office. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Plans and engineering specifications will be available at the mandatory pre-bid conference/site visit.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND: A performance bond in the amount of one-hundred percent (100%) of the base bid price shall be required.

Sealed bids will be received, publicly opened and read aloud on:

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

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727.

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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, F.S. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

INVITATION TO BID

As a Contractor, you are invited to submit a bid to the FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, DIVISION OF MARKETING, hereinafter referred to as Owner, for the repair of building facilities at the Sanford Farmers' Market located at 1300 South French Avenue, Sanford, Florida, which shall include all labor, equipment, and materials necessary to repair the building. The Project Budget is: \$800,000.00.

PROJECT NAME & LOCATION: Repair of building facilities at the Sanford Farmers' Market, Sanford, Florida.

SOLICITATION DOCUMENT: The entire solicitation document, including plans and specifications, may be viewed and downloaded from the Vendor Bid System at <http://www.myflorida.com>, click on Business, Doing Business with the State of Florida, Everything for Vendors and Customers, Vendor Bid System, Search Advertisements, Bid Number ITB/DM-05/06-84, or by calling the Purchasing Office at (850)487-3727.

MANDATORY PRE-BID CONFERENCE/SITE VISIT: Each bidder must, before submitting a bid, attend the mandatory pre-bid conference/site visit. The pre-bid conference/site visit will be held on February 2, 2006, 10:00 a.m., at the Sanford

Farmers' Market, 1300 South French Avenue, Sanford, Florida 32771, specifically at the Market Manager's Office. During the pre-bid conference a site visit will be held for prospective bidders. It is the bidders' responsibility to consider any and all site conditions or requirements for the project. Plans and engineering specifications will be available at the mandatory pre-bid conference/site visit.

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who had been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PERFORMANCE BOND: A performance bond in the amount of one-hundred percent (100%) of the base bid price shall be required.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: February 15, 2006, 3:00 p.m.

PLACE: Department of Agriculture and Consumer Services, 407 S. Calhoun Street, SB8 Mayo Building, Tallahassee, Florida 32399, (850)487-3727

CONTRACT AWARD: The official Notice of Award Recommendation will be by electronic posting at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu.

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, F.S. If no protest is filed the contract will be awarded to the qualified, responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

DEPARTMENT OF EDUCATION**NOTICE TO PROFESSIONAL CONSULTANTS:**

The University of Florida Board of Trustees announces that Professional Services in the disciplines of architecture and engineering for Total Building Commissioning will be required for the project listed below:

Project No. UF-269/239

Project and Location: Biomedical Sciences Building (BSB) and Emergency Power System;

University of Florida, Gainesville, Florida

The new facility will include Vivarium, wet/dry laboratory, office, and other space to support multi-disciplined research efforts in the BSB. The scope of services shall include design phase peer review, development of the Commissioning Plan and Commissioning Specifications, and construction phase pre-functional, functional, and performance testing for mechanical, electrical, building automation, and building envelope systems.

Blanket professional liability insurance will be required for this project in the amount of \$1,000,000.

INSTRUCTIONS:

Firms desiring to apply for consideration shall submit a proposal only after thoroughly reviewing the conceptual facilities program, Project Fact Sheet for Commissioning Agent Consultants, and other background information. The proposal shall be limited to 20 single-sided pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services.
2. A completed Commissioning Services Proposal Form using the project-specific version available at the UF Facilities Planning and Construction website. Applications on any other form will not be considered.
3. A copy of the applicant's and any consultants' current Professional Registration Certificate(s) from the appropriate governing board and other pertinent credentials. An applicant must be properly registered at the time of application to practice its profession in the State of Florida. If the applicant is a corporation, it must be chartered by the Florida Department of State to operate in Florida.
4. Resumes for proposed staff.

Submit six (6) copies of this data, bound in the order listed above. Proposals that do not comply with the above instructions may be disqualified. Application materials will not be returned. The plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, F.S. As required by Section 287.133, F.S., a consultant may not submit a proposal for this project if it is on the convicted vendor list for a public entity

crime committed within the past 36 months. The selected consultant must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$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.

Submittals must be received in the UF Facilities Planning and Construction Division office by 3:00 p.m. local time, on Thursday, February 16, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Attention: Frank Javaheri, PM

UF Facilities Planning and Construction Division

232 Stadium/P. O. Box 115050

Gainesville, FL 32611-5050

Telephone: (352)392-1256

Fax: (352)392-6378

Internet: www.facilities.ufl.edu

Proposal forms, instructions for registering as an applicant, and other pertinent information are available on the above website.

REQUEST FOR BID

The University of Florida, Purchasing & Disbursement Services will receive sealed bids for the following: ITB06MW-51, W/O 847234, Replace Built-up Roofing, Development and Alumni Affairs Building, estimated budget: \$225,000-\$250,000 to be opened February 14, 2006, 2:00 p.m. Local Time. Scope of work: Removal of entire roof system on main building, east and west low roofs. Membrane and substrate to be removed down to existing lightweight insulating concrete deck and/or cement wood fiber deck, including all cants, flashing and counter flashing, except counter flashing which is formed by an equipment curb scheduled to remain and or be raised. Miscellaneous anchorage and venting systems are to be removed and replaced. A schedule of all existing rooftop equipment is included showing which equipment is to be raised and by how much. Mandatory Pre-Bid Meeting will be held January 31, 2006, 1:30 p.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, (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.

CALL FOR PROPOSALS

The University of West Florida Board of Trustees is soliciting sealed proposals for Campus Service General Contractors.

Sealed proposals will be received until February 14, 2006, 2:00 p.m. (CST) at the Department of Procurement Services, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 05/RFP-13/ES must be marked on outside of package. The University is not responsible for unopened responses at the proposal opening when the package is not properly identified. Proposals must be submitted in full and in accordance with the requirements of all terms and conditions of the Request for Proposal.

View this solicitation and related information on the Department of Procurement Services' website: <http://uwf.edu/procurement>.

A CD of the solicitation may be obtained from the Department of Procurement Services at The University of West Florida. Contact Elaine Smith, etsmith@uwf.edu or (850)474-2627 to arrange pick up.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS**Request for Letters of Interest and Qualifications**

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Baker County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S., as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore,

dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.A.C."

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent's transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32256. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR BAKER COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., February 21, 2006.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Transportation Disadvantaged Program Manager at telephone (904)279-0880, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Baker County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Clay County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated

service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S., as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32256. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR CLAY COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., February 21, 2006.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Transportation Disadvantaged Program Manager at telephone (904)279-0880, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, “This letter of interest was received after the delivery time designated for receipt and opening in the legal notice.” Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Clay County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in Putnam County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S..

The transportation disadvantaged are defined by Chapter 427, F.S., as “those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S.”

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent’s transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32256. Letters must be marked, “LETTER OF INTEREST AND QUALIFICATIONS FOR PUTNAM COUNTY COMMUNITY TRANSPORTATION COORDINATOR.” Letters of interest and qualifications must be received by 5:00 p.m., February 21, 2006.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Transportation Disadvantaged Program Manager at telephone (904)279-0880, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in Putnam County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

Request for Letters of Interest and Qualifications

The Northeast Florida Regional Council is seeking qualifications of firms interested in coordinating transportation services for the transportation disadvantaged in St. Johns County, Florida. The selected entity will be the designated Community Transportation Coordinator for the Transportation Disadvantaged Program, as authorized by Chapter 427, Florida Statutes (F.S.) and more fully described in Rule 41-2 of the Florida Administrative Code (F.A.C.).

The Community Transportation Coordinator is defined by Chapter 427, F.S., as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), F.S.

The transportation disadvantaged are defined by Chapter 427, F.S., as "those persons who because of physical or mental disability, income status, or age are unable to transport themselves or purchase transportation and are, therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities or other life sustaining activities or children who are handicapped or high-risk or at-risk as defined in Section 411.202, F.S."

Interested providers are required to provide the following as proof of qualifications: 1) a list of the respondent's transportation coordination experience; 2) a list of scheduling and routing software used by the organization; 3) a list of vehicles to be used (if applicable); 4) a current financial statement of the responding entity; 5) a current Medicaid provider number for the responding entity, and; 6) an agency organizational chart.

Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs, and proposed methods of achieving cost-effective services. Potential providers should submit three (3) copies of their expression of interest and qualifications in a sealed

envelope, to the Northeast Florida Regional Council, Attention: Mr. Brian D. Teeple, AICP, Chief Executive Officer, 6850 Belfort Oaks Place, Jacksonville, Florida 32256. Letters must be marked, "LETTER OF INTEREST AND QUALIFICATIONS FOR ST. JOHNS COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest and qualifications must be received by 5:00 p.m., February 21, 2006.

Questions should be addressed to: Mr. Stephen L. Jones, AICP, Transportation Disadvantaged Program Manager at telephone (904)279-0880, Ext. 115. Faxed and e-mailed responses WILL NOT be accepted. Responses received after the deadline will be returned unopened with the notation, "This letter of interest was received after the delivery time designated for receipt and opening in the legal notice." Only responses to this request for letters of interest and qualifications will be considered if a request for proposals is issued for Community Transportation Coordinator in St. Johns County.

The Northeast Florida Regional Council reserves the right to accept or reject any and all responses in the best interest of the State.

WATER MANAGEMENT DISTRICTS

REQUEST FOR PROPOSALS #05/06-008 LM RESTORATION CONSTRUCTION SERVICES

The Suwannee River Water Management District is requesting proposals from firms that can provide construction services for restoration projects in environmentally sensitive areas, such as wetlands and riverbanks. Firms should demonstrate willingness, expertise, and ability to work in areas that may require specialized access techniques, construction techniques, and environmental controls for the purpose of natural system restoration/stabilization.

In making its proposal, the Contractor agrees, to the best of its ability, to adhere to the listed timetable below. While the exact dates listed on the timetable are somewhat flexible, significant deviation from this timing is not acceptable to the SRWMD.

- January 20, 2005 Release of Request for Proposal.
- January 31, 2006 Mandatory Proposers' conference; 1:00 p.m. at SRWMD headquarters in Live Oak. Failure to participate will result in rejection of Proposal.
- February 10, 2006 Proposals due prior to 4:00 p.m. at SRWMD headquarters in Live Oak. Opening of proposals will occur at this time and date.
- February 20, 2006 Staff selection of rankings announced.
- March 14, 2006 Governing Board Approval for entering into contract with top ranked contractors.
- March 31, 2006 Execution of contracts.
- April 3, 2006 Initiation of Contracts.

Proposal packages may be obtained on or after January 20, 2006, by logging on to www.mysuwanneeriver.com or calling Gwen Lord at (386)362-1001. Proposal packages will also be available at the pre-proposal conference. If, due to disability, you require a special accommodation to participate in any activity relating to this proposal, contact Gwen Lord by calling (386)362-1001 or toll free at (800)226-1066 (Florida only).

RFQ 05/06-011 LM

Cultural/Historical Resource Assessments

The Suwannee River Water Management District is seeking qualified individuals or firms to conduct cultural/historical resource assessments on District-owned property located within the District's service delivery area. Qualified individuals or firms selected during this Request for Qualifications process (RFQ) will receive requests for bids from the District to conduct initial and follow-up cultural/historical resource assessments on its lands.

In addition, a listing will be maintained of pre-qualified individuals or firms interested in submitting applications on behalf of the District for grant funding and, if successful, conducting cultural/historical resource assessments on District lands. This RFQ will provide a mechanism in which individuals and/or firms can act as a contract sub-grantee and receive pass through grant funds from the District (primary Grantee).

PROPOSED SCHEDULE

January 10, 2006	Release of Request for Qualification.
February 10, 2006	Statements of Qualifications due prior to 4:00 p.m. at District Headquarters in Live Oak. Statements of Qualifications will be received and logged. *
February 16, 2006	Selection Committee meeting at District Headquarters. *
March 14, 2006	Governing Board Approval of Selected Cultural/Historical Resource Firms at 9:00 a.m. at District Headquarters. *

* Denotes a public meeting.

Qualification packages may be obtained by logging on to the District's website at www.mysuwanneeriver.com or calling Gwen Lord, (386)362-1001. If, due to disability, you require a special accommodation to participate in any activity relating to this proposal, contact Gwen Lord by calling (386)362-1001 or toll free at (800)226-1066 (Florida only).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

TAMPA BAY ESTUARY PROGRAM

ADVERTISEMENT

FOR

REQUEST FOR PROPOSALS

The Tampa Bay Estuary Program (TBEP) is requesting proposals from qualified respondents to conduct the following project:

T-05-02 Synthesis of Tampa Bay Science and Management Request for proposal instructions and associated proposal documents may be obtained by contacting Ron Hosler at TBEP, 100 8th Avenue, S. E., MS: I-1, St. Petersburg, Florida 33701. Sealed proposals will be received at the above-stated address until 2:00 p.m., Tuesday, February 28, 2006 at which time they will be publicly opened.

TBEP encourages and promotes the utilization of organizations owned or controlled by socially and economically disadvantaged, Minority Business Enterprises and Women's Business Enterprises.

TBEP reserves the right to reject any and all proposals. Dated this January 10, 2006.

AREA AGENCY ON AGING OF PASCO-PINELLAS

Notice of Request for Proposal/Bidders Conference Contingent upon the availability of funds, the Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP) for Planning and Service Area 5 will be contracting and is soliciting sealed proposals for Case Management/Lead Agency Designation beginning July 1, 2006 under the Community Care for the Elderly Program, Chapter 430, F.S. Proposals are being solicited for Two Lead Agencies in Pinellas County. Proposals may be obtained from Rachel Bryan at the Area Agency on Aging office, 9887 4th Street, North, Suite 100, St. Petersburg, FL, beginning February 8, 2006 or at the Bidder's Conference on February 15, 2006, 1:30 p.m. at the AAAPP office. Sealed proposals are due by 3:00 p.m., on March 13, 2006 with openings immediately following. If you have any questions, please call Rachel Bryan at (727)570-9696, Ext. 246.

WEST CENTRAL FLORIDA AREA AGENCY ON AGING

**REQUEST FOR INFORMATION
HILLSBOROUGH, POLK, MANATEE, HIGHLANDS,
HARDEE
COUNTY CCE LEAD AGENCY AND CASE
MANAGEMENT SERVICES**

The West Central Florida Area Agency on Aging, Inc., requests information from organizations that have the operational capacity and the interest in being designated as the Lead Agency for one of the following counties: Hillsborough, Polk, Manatee, Highlands or Hardee County. Pursuant to Chapter 430, F.S., a designated Lead Agency will provide all Case Management services, and coordinate the provision of social services to targeted elderly clients for each county. Projected annual funding available for Hillsborough County is \$2,638,219, Polk County is \$1,697,171, Manatee County is \$1,173,551, Highlands County is \$468,729 and Hardee County is \$97,548. The Lead Agency services will include Case Management, Case Aide and Intake Screening. Additional services to be coordinated by the Lead Agency include, but are not limited to: Adult Day Care, Homemaker, Personal Care, and Respite. The Lead Agency will administer and manage the Community Care for the Elderly program (CCE), the Home Care for the Elderly program (HCE), Alzheimer’s Disease Initiative program (ADI) and provision of or subcontract for direct client services. The contract period is July 1, 2006-June 30, 2007, renewal for two additional years. Interested parties must respond in writing no later than 3:00 p.m., January 30, 2006 and should be sent to Phil Hollister, West Central Florida Area Agency on Aging, 5905 Breckenridge Parkway, Ste F, Tampa, FL 33610-4239.

**Section XII
Miscellaneous**

DEPARTMENT OF LEGAL AFFAIRS

**NOTICE OF AVAILABILITY
VOCA Grant Funds**

Announcement: The Office of the Attorney General is pleased to announce the availability of Victims of Crime Act (VOCA) grant funds from the U.S. Department of Justice. The purpose of VOCA grant funds is to support the provision of services to victims of crime. Services are defined as those efforts that respond to the emotional and physical needs of crime victims, assist victims of crime to stabilize their lives after a victimization, assist victims to understand and participate in the criminal justice system and provide victims of crime with a measure of safety and security. Eligibility to apply for VOCA funds is limited to victim assistance programs administered by state or local government agencies or not-for-profit

corporations registered in Florida, or a combination thereof. The funding cycle for the VOCA grant funds under this notice is October 1, 2006 through September 30, 2007.

Application and Deadline: The annual competitive grant process involves submission of an application, followed by an evaluation that includes an application review and site visits as determined necessary. An application may be obtained through the Office of the Attorney General’s web page at <http://myfloridalegal.com/> under the heading of Crime Victims’ Services. If you are unable to download a copy of the application you may call (850)414-3380 or Suncom 994-3380. The deadline for applying for a VOCA grant under this notice is no later than 5:00 p.m. Eastern Standard Time on February 24, 2006. Faxed or electronic submission of the application is not acceptable.

DEPARTMENT OF EDUCATION

**PUBLIC NOTICE FOR FOOD SERVICE VENDORS
TO REGISTER WITH THE FLORIDA DEPARTMENT
OF EDUCATION TO PREPARE AND DELIVER
UNITIZED MEALS AND SNACKS TO SPONSORS
OF THE 2006 SUMMER FOOD SERVICE PROGRAM**

In accordance with Title 7 Code of Federal Regulations, Part 225; it is the intent of the Florida Department of Education (FLDOE), Food and Nutrition Management Section, to administer the Summer Food Service Program (SFSP) for the benefit of Florida’s school age children in the 2006 fiscal year. The primary purpose of this Child Nutrition Program is to provide breakfast, lunch, snack meals and/or a dinner meal (when applicable) to economically needy children during periods when the public school systems are generally closed for summer recess. Food service vendors who wish to participate in vending meals into this Program may email or write FLDOE for a vendor registration and guidance package to the address given below. Successful completion of the registration process will require copies of the following:

- A current Florida business license in the name of the registering vendor;
- The two most recent health department facility inspection reports;
- A completed, signed and dated SFSP registration form;
- Evidence of general business liability, product liability and delivery vehicle coverage for the vendor’s personnel, owners and food production facility (s).
- A completed food production facility inspection report indicating the types of equipment, vehicles and production capacity of the vendor’s kitchen (s).

The last day to return this registration package with all attachments will be January 31, 2006. Compliance for on-time submissions will be determined by United States Postal Service (USPS) date stamps or similar date/time marks from

private carriers. It is the applicant's responsibility to ensure on-time delivery and to have documentation of the date materials were sent.

For more information please contact the Food and Nutrition Management Section of FLDOE at (800)504-6609. The primary contact person for vendor registration and facility inspections is David Whetstone and the Summer Food Service Program supervisor is Michelle Morris.

Please direct written or e-mail communications to:

The Florida Department of Education
Food and Nutrition Management Section
Summer Food Service Program
325 West Gaines Street, Room 1701
Tallahassee, FL 32399-0400
Ph. 1(800)504-6609 (Toll free in Florida)
Ph. (850)245-9332
Fax (850)245-9337
e-mail: David.Whetstone@fldoe.org

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF APPLICATION PERIOD

The FLORIDA COMMUNITIES TRUST (Trust) announces an application period for receiving applications from local governments and non-profit environmental organizations requesting funding awards from the Trust's Florida Forever Program.

DEADLINE: Applications will be accepted beginning on February 24, 2006. The deadline for submitting applications shall be 6:00 p.m. (EDT) on Wednesday, May 10, 2006. The Florida Communities Trust office must physically receive applications by the above stated deadline. Applications received after the published deadline shall be deemed late and will not be considered by the Trust (i.e., postmarked applications will not be accepted and will be returned to the applicant).

APPLICATION FORMS: Applications for funding must be made on Application Form FCT-3, following procedures in Rule Chapter 9K-7, F.A.C. Copies of the rule chapter and application form may be obtained by visiting the Trust website at www.floridacommunitydevelopment.org/fct/ or by calling (850)922-2207, Suncom 292-2207 or by writing: Florida Communities Trust, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

ADDRESS: For mail and carrier service deliveries, the delivery address is Florida Communities Trust, 2555 Shumard Oak Boulevard, Suite 310, Tallahassee, FL 32399-2100. For hand deliveries, the delivery location is Suite 310, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, FL.

FUNDS AVAILABLE: Funds available for awards will derive from the Florida Forever program. As of the date of submittal of this Notice, the Trust expects that up to \$66,000,000.00 will be available for use in this funding cycle, unless otherwise allocated by the Legislature.

LOCAL MATCH: Section 259.105(3)(c), F.S. requires that of the funds allocated to the Trust and used for land acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar basis. paragraph 9K-7.003(4)(c), F.A.C., allows 100 percent grant funding to counties with populations under 75,000, municipalities with populations under 10,000 and eligible nonprofit environmental organizations. All other applicants shall provide a minimum of 25 percent match toward project costs.

LIMITS ON AWARDS: Under the provisions of subsection 9K-7.003(6), F.A.C., the total amount of any award or combination of awards applied for by any local government or nonprofit environmental organization under any application(s) or partnership application(s) for any project(s) shall not exceed ten percent (10%) of the total Florida Forever funds available as stated above. All awards for partnership applications, for the purposes of calculating award limits, shall be divided equally among the local government or nonprofit environmental organization. Based upon the funds known to be available as of the date of this notice, the limit to any local government or nonprofit environmental organization shall be \$6,600,000.00. In the case of only a single application from an applicant, they can receive up to fifteen percent (15%), \$9,900,000.00 of the total funds available if the parcel is a pre-acquired parcel.

MORE INFORMATION: Interested parties may obtain more information from the Trust website at www.floridacommunitydevelopment.org/fct/, by contacting the Florida Communities Trust at (850)922-2207, Suncom 292-2207 or by writing the above stated address.

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Midway Lake, a private airport, in Hillsborough County, at Latitude 28° 02' 30" and Longitude 82° 05' 33", to be owned and operated by Mr. Edward Verner, Midway Investment Company, Inc., P. O. Box 1118, Plant City, FL 33564.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail

Station 46, Tallahassee, Florida 32399-0450, (850)414-4500,
 e-mail: aviation.fdot@dot.state.fl.us, Website:
<http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, F.S., to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, F.A.C., and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, F.S.

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, Genuine Scooter Company intends to allow the establishment of Vespa Jacksonville, as a dealership for the sale of Stella motorcycles, at 1128 North 3rd Street, Jacksonville (Duval County), Florida 32250, on or after November 25, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Vespa Jacksonville are dealer operator(s): Thomas Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32778; principal investor(s): Thomas Bolc, 935 North Grandview Avenue, Daytona Beach, Florida 32778.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jim Kolbe, Chief Financial Officer, Genuine Scooter Company, 5400 North Damen Avenue, Chicago, Illinois 60625.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Global Electric Motorcars, LLC, intends to allow the establishment of Quality Imports, Inc., as a dealership for the sale of GEM vehicles, at 1006 North Beal Parkway, Fort Walton Beach (Okaloosa County), Florida 32547, on or after January 2, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Quality Imports, Inc., are dealer operator: Matt C. Marsteller, 1006 North Beal Parkway, Fort Walton Beach, Florida 32547; principal investor(s): Gerald M. Hollingsworth, 1006 North Beal Parkway, Fort Walton Beach, Florida 32547.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Russell J. Kiefer, Director of Sales and Marketing, Global Electric Motorcars, LLC, 1301 39th Street, Northwest, Suite 2, Fargo, North Dakota 58102.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, KTM North America, Inc., intends to allow the establishment of Jet Ski Orlando, Inc., d/b/a JSO Motorsports, as a dealership for the sale of KTM brand motorcycles, at 6801 South Orange Avenue, Orlando (Orange County), Florida 32809, on or after February 1, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Jet Ski Orlando, Inc., d/b/a JSO Motorsports are dealer operator(s): Betty Simmons, President, and Kevin Simmons, 8611 Curry Ford Road, Orlando, Florida 32825; principal investor(s): Betty Simmons, President, and Kevin Simmons, 8611 Curry Ford Road, Orlando, Florida 32825.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jon-Erik Burluson, President, KTM North America, Inc., 1119 Milan Avenue, Amherst, Ohio, 44001.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, KTM North America, Inc., intends to allow the establishment of Action Jet Sports, Inc., d/b/a Action Kawasaki Yamaha, as a dealership for the sale of KTM brand motorcycles, at 2705 1st Street, Bradenton (Manatee County), Florida 34208, on or after January 20, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Action Jet Sports, Inc., d/b/a Action Kawasaki Yamaha are dealer operator(s): Jack O'Neill,

President, 5650 Old Ranch Road, Sarasota, Florida 34241; principal investor(s): Jack O'Neill, President, 5650 Old Ranch Road, Sarasota, Florida 34241.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Jon-Erik Burluson, President, KTM North America, Inc., 1119 Milan Avenue, Amherst, Ohio 44001.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that American Suzuki Motor Corporation, intends to allow the establishment of Southern Trust Auto Sales, Inc., d/b/a Southern Trust Suzuki, as a dealership for the sale of Suzuki automobiles, at 4329 Tamiami Trail, Port Charlotte (Charlotte County) Florida 33980, on or after December 31, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Southern Trust Auto Sales, Inc., d/b/a Southern Trust Suzuki are dealer operator(s): Rick Potts, 6855 Manasota, Englewood, Florida 34223; principal investor(s): Rick L. Potts, 6855 Manasota Road, Englewood, Florida 34223, Nick Potts, 22109 Clubhouse Road, North, Fort Myers, Florida 33917, and Gerry Alexander, 1509 Eldorado Parkway, Cape Coral, Florida 33914.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Daniel Malloy, Dealer Development Manager, American Suzuki Motor Corporation, P. O. Box 1100, Brea, California 92822-1100.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, CMSI, Inc., intends to allow the establishment of Ali-J, Inc., d/b/a Sarasota Scooter Company, as a dealership for the sale of TN'G and Flying Tiger motorcycles, at 1540 Main Street, Sarasota (Sarasota County), Florida 34236, on or after December 14, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Ali-J, Inc., d/b/a Sarasota Scooter Company are dealer operator(s): Jeffrey A. Free, 1540 Main Street, Sarasota, Florida 34236; principal investor(s): Jeffrey A. Free, 5924 Tarpon Gardens, Circle #202, Cape Coral, Florida 33904, and Alison Free, 5924 Tarpon Gardens, Circle #202, Cape Coral, Florida 33904.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Rob Gates, Director of Sales, CMSI, Inc., P. O. Box 969, Preston, Washington 98050.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Autocar LLC, intends to allow the establishment of Kenworth of Central Florida, as a dealership for the sale of Expiditor Chassis trucks, at 1800 North Orange Blossom Trail, Orlando (Orange County), Florida 32804, on or after December 27, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Kenworth of Central Florida are dealer operator(s): Robert E. Sutton, Jr., 761 Silverwood Drive, Lake Mary, Florida 32746; principal investor(s): Robert E. Sutton, Jr., 761 Silverwood Drive, Lake Mary Florida 32746, and Robert E. Sutton, Sr., P. O. Box 907, Plymouth, Florida 32768.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: James M. Johnston, President, Autocar LLC, P. O. Box 190, Hagerstown, Indiana 47346.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, Autocar LLC, intends to allow the establishment of Kenworth of Central Florida, as a dealership for the sale of Expiditor Chassis trucks, at 6905 East Dr. Martin Luther King, Jr. Boulevard, Tampa (Hillsborough County), Florida 33619, on or after December 27, 2005.

The name and address of the dealer operator(s) and principal investor(s) of Kenworth of Central Florida are dealer operator(s): Robert E. Sutton, Jr., 761 Silverwood Drive, Lake Mary, Florida 32746; principal investor(s): Robert E. Sutton, Jr., 761 Silverwood Drive, Lake Mary, Florida 32746, and Robert E. Sutton, Sr., P. O. Box 907, Plymouth, Florida 32768.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Mr. Ronald D. Reynolds, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: James M. Johnston, President, Autocar LLC, P. O. Box 190, Hagerstown, Indiana 47346.

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.

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

RECEIPT OF EXPEDITED APPLICATION

The Agency for Health Care Administration made the following decisions on Certificate of Need applications for expedited review:

- County: Walton Service District: 1
Facility/Project: Chautauqua Rehabilitation and Nursing Center
Applicant: DRNC, LLC
Project Description: Transfer CON # 8274/9523
County: Jackson Service District: 2
Facility/Project: North Florida Rehabilitation and Nursing Center
Applicant: GRNC, LLC
Project Description: Transfer CON # 9118/9522
County: Dade Service District: 11
Facility/Project: Brookwood Gardens Rehabilitation and Nursing Center
Applicant: HRNC, LLC
Project Description: Transfer CON # 8157/9473

CERTIFICATE OF NEED

EXEMPTIONS

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

- County: Pinellas District: 5
ID # 0500002 Decision: A Issue Date: 1/4/2006
Facility/Project: St. Anthony's Hospital
Applicant: St. Anthony's Hospital, Inc.
Project Description: Provide adult emergency percutaneous coronary interventions in a hospital without an approved OHS program.
Proposed Project Cost: \$0

DEPARTMENT OF HEALTH

On January 5, 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 Carla Gomez, L.P.N. license number PN 1325681. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 10, 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 Terri Lynn West, C.N.A. License number 52581. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On January 10, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Robert Haas, L.P.N. license number PN 1098301. 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.

FINANCIAL SERVICE COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, F.A.C., 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., February 10, 2006:

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Florida Coast Bank, 801 N. E. 167th Street, North Miami Beach, Miami-Dade County, Florida 33162
Correspondent: A. George Iglar, Esquire and Richard L. Pearlman, Esquire, 2457 Care Drive, Tallahassee, Florida 32308

Received: January 10, 2006

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN January 3, 2006
 and January 6, 2006**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Licensing

5N-1.100	1/4/06	1/24/06	31/40	31/49
5N-1.116	1/4/06	1/24/06	31/40	31/49

DEPARTMENT OF CITRUS

20-61.003	1/6/06	1/26/06	31/46	
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DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-15.0021	1/3/06	1/23/06	31/47	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-2.010	1/6/06	1/26/06	31/47	
64B1-2.017	1/6/06	1/26/06	31/47	
64B1-9.001	1/6/06	1/26/06	31/47	

Board of Massage

64B7-28.0044	1/6/06	1/26/06	31/47	
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Board of Medicine

64B8-8.0021	1/3/06	1/23/06	31/47	
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FLORIDA HOUSING FINANCE CORPORATION

67-32.004	1/6/06	1/26/06	31/42	
67-32.005	1/6/06	1/26/06	31/42	
67-32.006	1/6/06	1/26/06	31/42	
67-32.007	1/6/06	1/26/06	31/42	