

(f) A public adjuster shall not enter into a contract or accept a power of attorney which vests in the public adjuster the effective authority to choose the persons who shall perform repair work.

(g) A public adjuster shall ensure that all contracts for the public adjuster's services are in writing and set forth all terms and conditions of the engagement.

(6) Total Loss Claims. No public adjuster shall knowingly enter into a contract to adjust a residential property claim subsequent to an insurer declaring the property a total loss, unless the services to be provided by the public adjuster can reasonably be expected to result in the claimant obtaining an insurance settlement, net of the adjuster's compensation, in excess of what the insured claimant would have obtained without the services of the public adjuster.

Specific Authority 120.54(4), 624.308, 626.878, 626.9611 FS. Law Implemented 624.307(1), 624.307, 626.611, 626.621, 626.865(2), 626.8698, 626.878, 626.9541(1)(e),(i) FS. History—New 2-1-06.

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: February 1, 2006

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

### DEPARTMENT OF LAW ENFORCEMENT

Notice is hereby given that the Officer Professionalism Program, Florida Department of Law Enforcement has received from Shawn M. Jones on January 27, 2006, a petition for Waiver of Rules 11B-27.002, 11B-30.006, 11B-30.0062, 11B-30.013 and 28-104.002, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that an officer retake basic recruit training and the State Officer Certification Examination if the officer is not employed as an officer within four years of beginning basic recruit training.

Comments on this Petition should be filed with: Office of General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, Attention: Assistant General Counsel, Grace A. Jaye.

A copy of the Petition may be obtained by contacting: Assistant General Counsel, Grace A. Jaye at the above address, or by calling (850)410-7676.

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

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

### WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on January 19, 2006, South Florida Water Management District (District) received a Petition for waiver from Port Mayaca Yacht Club, Application No. 06-0117-5, for utilization of Works or Lands of the District known as the L-65 Canal, Martin County for the proposed construction of a bridge crossing the L-65 Canal, Section 32, Township 37 South, Range 40 East. The petition seeks relief from subsections 40E-6.011(4) and (6) and paragraph 40E-6.221(2)(j), F.A.C., which govern the minimum low member elevation of pile supported facilities within Works or Lands of the District.

A copy of the petition may be obtained from: Kathie Ruff, (561)682-6320, e-mail: [kruff@sfwmd.gov](mailto:kruff@sfwmd.gov).

The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at: Attn: Kathie Ruff, Office of Counsel, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406.

### AGENCY FOR HEALTH ADMINISTRATION

Notice is hereby given that an Order has been issued in the matter of In Re: Petition for Variance or Waiver for subsection 59A-10.032(15), F.A.C. In Relation to the Definition of Health Care Professional, which petition was filed by Petitioner Duane Ratliff on October 24, 2005. Notice of the filing of this petition was first published in Florida Administrative Law Weekly on November 23, 2005, and interested persons were invited to comment. Under the Rule, Emergency Medical Technicians are considered Health Care Professionals for purposes of eligibility to pursue an abbreviated application process for licensure as a Healthcare Risk Manager. Paramedics, who must demonstrate greater competency and more advanced training than Emergency Medical Technicians, are not considered Health Care Professionals under the Rule. Thus Petitioner, a certified Paramedic, under the Rule as written, was unable to pursue the same application process as a lesser skilled and trained EMT. On January 12, 2006, the Secretary of the Agency signed an Order GRANTING the

Petition, permitting the Petitioner Paramedic to follow the abbreviated process for an applicant considered a Health Care Professional under the Rule.

A copy of the Order can be obtained from: Richard J. Shoop, Agency Clerk, Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Mail Stop 3, Tallahassee, Florida 32308.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

NOTICE IS HEREBY GIVEN that on January 4, 2006, the Bureau of Elevator Safety received a Petition for Variance from Chapter 2.1.3.2, 2.1.3.3 and 2.1.3.5, A.S.M.E. 18.1, 2000 Edition, as adopted by Chapter 11-4-10.1, Florida Building Code, requiring a smooth fascia of unperforated construction, protection of the lower landing by a door of unperforated construction and sensors on the underside of the unit to remove power to the machine motor if there is an obstruction.. The petition was received from Don Birdsall of Lift-U on behalf of Ringling Museum located in Sarasota, Florida (Petition VW 2006-001).

A copy of the Petition can be obtained from: Mark Boutin, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Bureau of Elevator Safety will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

The Board of Accountancy hereby gives notice that it has received a petition, filed on January 31, 2006, by Elizabeth C. Nickles, seeking a variance or waiver of subparagraph 61H1-33.003(5)(b)1., F.A.C., to allow continuing education hours, without submission of certificates of completion, to be accepted as submitted.

Comments on this petition should be filed with the Board of Accountancy/MQA, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, within 14 days of publication of this notice.

For a copy of the petition, contact John Johnson, Division Director, Board of Accountancy, at the above address or by telephone at (352)333-2505.

**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**

NOTICE IS HEREBY GIVEN that on January 26, 2006, the Department of Health received a Petition for Variance from subparagraph 64E-16.007(2)(a)2., F.A.C., from David Squalli, on behalf of ECODAS. That rule prescribes a startup procedure to be conducted on a biomedical waste treatment unit prior to placing the unit into service. The Petitioner requests a variance from the rule to allow the Petitioner to vary from the rule requirement for specific placement of biological indicators in the treatment unit as prescribed in subparagraph 64E-16.007(2)(a)2., F.A.C. ECODAS proposes to use internal temperature monitoring and an alternative placement of biological indicators to verify the treatment unit provides a satisfactory level of treatment. Comments on this Petition should be filed with the Agency Clerk, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, Bin A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice.

A copy of the petition may be obtained from: Edith Coulter, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710, (850)245-4277, Extension 2335.

**Section VI  
Notices of Meetings, Workshops and Public Hearings**

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

- State Board of Administration
- Financial Services Commission
- Department of Veterans’ Affairs
- Department of Highway Safety and Motor Vehicles
- Department of Law Enforcement
- Department of Revenue
- Department of Education
- Administration Commission
- Florida Land and Water Adjudicatory Commission
- Board of Trustees of the Internal Improvement Trust Fund
- Department of Environmental Protection

DATE AND TIME: March 2, 2006, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director’s reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report