

NAME OF PERSON ORIGINATING PROPOSED RULE: Ms. Tara Alford, Management Analyst, Boating and Waterways Section, Division of Law Enforcement, (850)410-0656, extension 17169, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Colonel Julie Jones, Director, Division of Law Enforcement, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Tallahassee, Florida 32399

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 2, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 23, 2004

Section III
Notices of Changes, Corrections and Withdrawals

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."

COMMISSION ON ETHICS

Table with 2 columns: RULE CHAPTER NO. and RULE CHAPTER TITLE; RULE NOS. and RULE TITLES. Includes entries for Executive Branch Lobbyist Registration, Definitions, Compensation Reporting Requirements, Penalties for Late Filing, and Appeal of Statutory Fines; Hearings, Unusual Circumstances.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 12, March 24, 2006 issue of the Florida Administrative Weekly.

Rule 34-12.020(7) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business is a lobbyist. An association, a governmental entity, a corporation, or other business entity that

does not derive compensation from principals for lobbying is not a "lobbying firm," and neither are its employee-lobbyists considered to be a "lobbying firm."

Rule 34-12.400(4) Compensation provided or owed for lobbying activities as defined in subsection 34-12.020(6) and as described in Rule 34-12.160, F.A.C., should be reported. Compensation provided or owed for activities that are excluded, as provided in Rules 34-12.110, 34-12.120, and 34-12.130, F.A.C., and as described in Rule 34-12.170, F.A.C., is not required to be reported.

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

Rule 34-12.405(1) Upon determining that a Quarterly Compensation Report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm of its failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

Rule 34-12.407(1) A lobbying firm wishing to appeal or dispute a fine imposed in accordance with Section 112.3215(5)(e)5, 112.3215(5)(f), Florida Statutes, shall file with the Commission on Ethics a notice of appeal within 30 days of the date the notice of payment due is transmitted by the lobbyist registration office, setting out with specificity the unusual circumstances surrounding the failure to file on the designated due date. The notice of appeal may be accompanied by any documentation or evidence supporting the claim.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facilities and Agency Licensing

Table with 2 columns: RULE NOS. and RULE TITLES. Includes entries for Definitions, Licensure Requirements, Procedures and Fees, Registration Policies, Certified Nursing Assistant and Home Health Aide, Supplemental Staffing for Health Care Facilities, and Emergency Management Plans.

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule referenced above in accordance with subparagraph 120.54(3)(d)1., Florida Statutes, published in the Vol. 32, No. 6, February 10, 2006, issue of the Florida Administrative Weekly. The changes are made to address comments received from the Joint Administrative Procedures Committee.

The changes are as follows:

59A-18.002 Definitions.

When used in this rule, unless the context otherwise requires, the term:

(1) “Administrator” means managing employee, or other similarly titled individual who is responsible for the daily operation of the nurse registry, pursuant to Section 400.506 and 400.512, F.S.

(1) through (13) renumbered (2) through (14) No change.

59A-18.004 Licensure Requirements, Procedures and Fees.

1. Paragraph (2) shall now read:

(2) ~~The license shall be displayed in a conspicuous place in public view within the licensed premises.~~ The registry license is not transferable. Sale of the licensed nurse registry, assignment, lease or other transfer, whether voluntary or involuntary, shall require relicensure by the new owner prior to taking over the operation, pursuant to Section 400.506(8), F.S. The prospective owner shall submit, at least 60 days prior to the effective date of the change, an application for a new license.

2. Paragraph (4) shall now read:

(4) An initial licensure application shall include: Initial licensure – An application for an initial license to operate a nurse registry shall be submitted for a new operation or change of licensee accompanied by a non-refundable license fee of \$2,000 for each site in operation to be licensed, and must be submitted and signed under oath on AHCA Form 3110-7001, Nurse Registry Application for Initial License Revised December 2005, which is incorporated by reference, provided by the agency, and shall include:

(a) through (h) No change.

(i) ~~Signed Affidavit of Compliance with Screening Requirements, AHCA Form 3110-1014, Revised May 2006, incorporated by reference, from the administrator, pursuant to Section 400.512(2), F.S. stating that the administrator, the financial officer, and each contractor who was registered with the nurse registry on or after October 1, 2000 has been screened for good moral character and that the remaining contractors pursuant to Section 400.512(2), F.S. have been continuously registered with the nurse registry since before October 1, 2000, pursuant to Section 400.512(2), F.S.~~

1. ~~Screening for good moral character for the administrator, or similarly titled individual who is responsible for the daily operation of the nurse registry, and for the financial officer, or similarly titled individual who is responsible for the financial operation of the nurse registry, including billings for patient care and services, shall be in accordance with level 2 standards for screening set forth in Chapter 435 and in accordance with Section 400.506(2), F.S.~~ The fingerprint card for level 2 screening for the administrator and the financial officer can be obtained from, and must be submitted to, the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308. Screening processing fees for level 2 screening shall be made payable to the Agency for Health Care Administration.

2. Level 1 screening, in accordance with screening standards as provided in Chapter 435, F.S., and as required in Section 400.512, F.S., ~~for good moral character~~ for each contractor shall consist of:

a. through b. No change.

(j) through (m) No change.

3. Paragraph (12) is deleted.

~~(12) If a change of address is to occur, the nurse registry must provide 14 days advance notice in writing to the AHCA Licensed Home Health Programs Unit in Tallahassee and the AHCA field office. The nurse registry must submit to the AHCA Licensed Home Health Programs Unit evidence of compliance with local zoning authorities for the new location. Emergency relocations must be reported within seven days, with the reason for the relocation documented. An emergency relocation can be due to any of the following situations:~~

~~a. an eviction notice;~~

~~b. environmental conditions on or near the site which are not conducive to the health and well being of staff and clients, including a fire or flooding;~~

~~e. an element near the site which would make the premises harmful or dangerous;~~

~~d. circumstances arising from or caused by weather conditions and/or a natural disaster; or~~

~~e. a change in property zoning that requires the nurse registry to move.~~

59A-18.005 Registration Policies.

1. Paragraph (6) shall now read:

(6) Prior to contact with patients, each ~~new~~ independent contractor referred for client care must furnish to the registry a statement from a health care professional licensed under Chapter 458, F.S., or Chapter 459, F.S., a physician’s assistant, or an advanced registered nurse practitioner (ARNP) or a registered nurse licensed under Chapter 464, F.S., under the supervision of a licensed physician, or acting pursuant to an established protocol signed by a licensed physician, based upon an examination within the last six months, that the contractor is ~~in reasonably good health and appears to be free from apparent signs or symptoms of a communicable disease including tuberculosis, pursuant to Section 381.0011(4), F.S.~~ If any independent contractor is later found to have, or is suspected of having, a communicable disease, he or she shall immediately cease to be referred as an independent contractor. If the independent contractor later provides a statement from a health care professional that such condition no longer exists, then the nurse registry can again refer patients to the independent contractor. It is the responsibility of the independent contractor to ensure that patients are not placed at risk by immediately removing him or herself as a caregiver if he or she is found to have or is suspected of having a communicable disease. In the event that an independent contractor refuses to remove him or herself, the nurse registry

shall report the situation to the county health department as an immediate threat to health, welfare and safety. ~~A new contractor who has been a contractor of another nurse registry or employed by a home health agency may provide a copy of his health care statement from the files of the former nurse registry or home health agency provided that the statement was not issued more than 1 year prior and that the contractor has not had a break in service of more than 90 days. Medical information is confidential and must not be disclosed without the specific consent of the person to whom it pertains. The written request to release medical information must be kept on file.~~

2. Paragraph (8) shall now read:

(8) Registration folders on each independent contractor must contain the information required in Section 400.506(12), F.S.:

(a) through (c) No change.

~~(d) Evidence of HIV/AIDS training specified by the respective licensing board and that each non-licensed contractor received a continuing education course biennially on HIV and AIDS pursuant to Section 381.0035, F.S. Each nurse registry shall establish a system for the recording and follow-up of complaints involving individuals they refer, and such records shall be kept in the individual's registration file or retained in the central files of the nurse registry.~~

59A-18.0081 Certified Nursing Assistant and Home Health Aide.

1. Paragraph (11) shall now read:

~~(11) C.N.A.'s and home health aides referred by nurse registries must have received a continuing education course biennially on HIV and AIDS, pursuant to Section 381.0035, F.S.; and training to maintain a current CPR certification.~~

2. Paragraph (12) shall now read:

(12) C.N.A.'s and home health aides referred by nurse registries may assist with self-administration of medication as described in Section 400.488, F.S.

(a) through (c) No change.

(d) In cases where a home health aide or a C.N.A. will provide assistance with self-administered medications as described in Section 400.488, F.S., and paragraph (e) below, a review of the medications for which assistance is to be provided shall be conducted by a registered nurse or licensed practical nurse to ensure the C.N.A. and home health aide is able to assist in accordance with their training and with the medication prescription. The patient or the patient's surrogate, guardian, or attorney in fact caregiver must give written consent for a home health aide or C.N.A. to provide assistance with self-administered medications, as required in Section 400.488(2), F.S.

(e) No change.

59A-18.017 Supplemental Staffing for Health Care Facilities.

1. Paragraph (8) shall now read:

(8) If a nurse registry refers contractors to provide staffing service to a nursing home and the contractor has not ~~lived in Florida for 5 years~~, maintained continuous residency within the state for the 5 years immediately preceding the date of the request for staffing, that contractor will be required to undergo a level 2 background screening as required by Section 400.215, F.S.

59A-18.018 Emergency Management Plans.

1. Paragraph (6) shall now read:

~~(6) Nurse registries shall assist patients who would need assistance and sheltering during evacuations because of physical, mental, or sensory disabilities in registering with the local emergency management agency, as required in Section 400.506(15), F.S. make available to patients information gathered from the county emergency management offices including the procedures and documents required for assisting patients with registration for special needs shelters.~~

(a) Upon initial contract for services, and at a minimum on an annual basis, each nurse registry shall, pursuant to Sections 400.506(15) and 252.355, F.S., inform patients and patient caregivers, by the best method possible as it pertains to the person's disability, ~~and patient caregivers~~ of the special needs registry and procedures for registration at the special needs registry maintained by their county emergency management office.

(b) through (c) No change.

~~(d) This registration information, when collected, shall be submitted, pursuant to Sections 252.355 and 400.506(15) and (16)(b) and (e), F.S., to the county emergency management office, or on a periodic basis as determined by the registry's county emergency management office.~~

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jan Benesh, Licensed Home Health Programs Unit, Bureau of Health Facility Regulation, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308, beneshj@ahca.myflorida.com.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-6.010

Payment Methodology for Nursing Home 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 the Florida Administrative Weekly, Vol. 32 No. 17, on April 28, 2006.

1. The effective date of the proposed rule will be July 1, 2006.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-1.007
 RULE TITLE: List of Approved Forms; Incorporation
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 7, of the February 17, 2006, issue of the Florida Administrative Weekly. The changes are in response to written comments submitted by the staff of the Joint Administrative Procedures Committee with regard to the application form DH-MQA 1000, incorporated by reference in the rule. The changes to the incorporated form shall be as follows:

1. In Section I of the application instructions, under the heading "General Information," the citation shall be changed from 456.012(3)(1)(a) to 456.013(1)(a).
2. In Section II of the application instructions, under the heading "Social Security Number," the citation of §456.013(1)(a), F.S., shall be added.
3. In Section II of the application instructions, the fee amount for initial licensure shall reflect the current fee of \$429.00.
4. In Section II of the application instructions, under "28-29 Malpractice," the last bullet point should state "... the trial record of each case, including the trial transcript, evidentiary exhibits and final judgment."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-31.007
 RULE TITLE: Anesthesiologist Assistant Licensure Renewal and Reactivation
 THIRD NOTICE OF CHANGE

Notice is hereby given that the following change has been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 30, No. 52, of the December 23, 2004, issue of the Florida Administrative Weekly. The change is in response to continued written comments submitted by the staff of the Joint Administrative Procedures Committee (JAPC). The Board published two (2)

Notices of Change; the first in Vol. 31, No. 22, of the June 3, 2005, Florida Administrative Weekly; and the second in Vol. 31, No. 35, of the September 2, 2005, Florida Administrative Weekly. The following additional change to address the JAPC concerns is as follows:

Paragraph (4)(a) shall be changed to read "(a) Application for renewal as a licensed anesthesiologist assistant must be made upon a form supplied by the Department, and incorporated in Rule 64B8-1.007, F.A.C."

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.021
 RULE TITLE: Citations
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 15, of the April 14, 2006, issue of the Florida Administrative Weekly. The changes are as follows:

1. Subsection (j) shall read: "Practicing opticianry with an inactive or retired status license, so long as the license has been inactive or retired for a period not to exceed two months, pursuant to Section 456.036(1), F.S., \$500.00;"

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Opticianry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253.

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-57.005
 67-57.010
 67-57.030
 67-57.040
 67-57.050
 67-57.060
 67-57.070
 67-57.080
 RULE TITLES: Definitions
 Fees
 Membership Application Procedures
 Property Standards
 HOP Program Restrictions
 Eligible Homebuyer Requirements
 Homebuyer Loan Process
 HOME Regulations

NOTICE OF CHANGE

Notice is hereby given that in response to oral and written comments and non-published technical corrections/clarifications the following changes have been made to Rule 67-57, Florida Administrative Code, as published in Vol. 32, No. 12 of the Florida Administrative Weekly, on March 24, 2006.

PURPOSE, EFFECT AND SUMMARY: The purpose of these rule amendments is to refine the procedures by which the Corporation shall administer the Homeownership Pool Program.

67-57.005 Definitions.

(1) through (8) No change.

(9) "Calendar Days" means the seven (7) days of the week. ~~With~~ respect to 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.

(10) through (31) No change.

(32) "Member Fee" means the fee earned by the Member on the construction of the Unit.

(32) through (36) renumbered (33) through (37) No change.

(38)(37) "Principal" means any general partner of a Member, and any officer, or director of any Member, or any officer or director of any general partner of a Member.

(38) through (40) renumbered (39) through (41) No change.

(42)(41) "Self Help" means a type of construction utilizing sweat equity operating under the guidelines of Habitat for Humanity International or USDA-RD.

(42) through (48) renumbered (43) through (49) No change.

67-57.010 Fees.

(1) The Corporation shall collect a HOP Membership Application fee of \$500, ~~with an annual renewal fee of \$50,~~ from all entities when applying to become a Member of the pool for the HOP program. Thereafter, Members must pay an annual renewal fee of \$50.

(2) through (3) No change.

(4) The Member Fee shall be limited to 16% of the development cost of the Unit.

67-57.030 Membership Application Procedures.

(1) In order to participate in the HOP program, the Applicant must first apply to become a Member by meeting the requirements of the HOP Membership Application ("HOPMBR101 (4/1/06)") (~~"HOP Membership Application—4/1/06"~~), which is adopted and incorporated herein by reference and is available on the Corporation's Website at <http://www.floridahousing.org/Home/Developers/HomeownerShipPrograms/HOP>.

(2) through (4) No change.

(5) ~~Annually.~~ Beginning January 31, 2008, Members must renew their membership by advising of any changes to the development team or organization structure and paying a \$50 renewal fee by January 31st of each year.

(6) ~~Failure to advise of any changes to the development team or organization structure or failure to pay submit the fully and properly completed form and payment of the renewal fee will result in the termination of the membership of the Member being disqualified from HOP and the cancellation of any pending reservations.~~

67-57.040 Property Standards.

(1) No change.

(2) All Units must include at a minimum the following exterior features:

(a) through (c) No change.

(3) Site standards must include:

(a) through (b) No change.

(c) Site must be free from excessive traffic and noise, including that from cars, trains and airplanes. Members must submit a mitigation plan to the Corporation for Loan Servicing, detailing the proposed means and methods of risk reduction, if a Unit is (i) located within 3,000 feet of an active railroad line and/or subject to high railroad noise levels, (ii) located within 1,000 feet of a major high-volume traffic artery, freeway, or other highway would carry a daily volume of 25,000 motor vehicles or more, or (iii) within 500 feet if the a highway that would carry more than 10,000 vehicles but fewer than 25,000. The site must not be located in an airport clear zone;

(d) The site must be free from significant industrial or agricultural hazards, including hazardous substances; toxic chemicals; gas, oil and chemical storage tanks and facilities; runoff; spills; odors; noise; and airborne particulates; and

(e) No change.

(4) Manufactured homes must meet or exceed the following standards which are adopted and incorporated herein by reference and are available at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, unless superseded by state or local building codes:

(a) No change.

(b) Be sited on a permanent foundation in accordance with the Permanent Foundation Guide for Manufactured Housing (HUD-007487) Handbook 4145.1, REV 2, Change 1, Feb. 14, 1992;

(c) through (f) No change.

67-57.050 HOP Program Restrictions.

(1) through (2) No change.

(3) The maximum per-unit subsidy of HOME funding is limited to the lesser of twenty five percent (25%) of the purchase price of the Unit, \$70,000, or the amount necessary to meet the borrower analysis criteria, with the exception of Eligible Homebuyers with disabilities and those at fifty percent

(50%) AMI or below, which shall not exceed the lesser of thirty five percent (35%) of the purchase price, \$80,000, or the amount necessary to meet the borrower analysis criteria.

(4) No change.

(5) ~~Any~~ Member may not be a Financial Beneficiary of another Member.

(6) through (12) No change.

(13) Homebuyer reservations will be denied at the time of submission ~~if~~ a Member or any Principal, or Affiliate of a Member has any existing developments participating in any Corporation programs that remain in non-compliance with the Code, the applicable Florida Statutes and rule chapters, loan documents, or any loan commitment after any applicable cure period granted for correcting such non-compliance has ended; ~~at the time of submission of the HOP homebuyer reservation the requested allocation will be denied.~~

67-57.060 Eligible Homebuyer Requirements.

(1) In order to receive a HOP Loan under the HOP program, the Eligible Homebuyer must:

(a) No change.

(b) Qualify as an Eligible Homebuyer at the time of the execution of the purchase contract;

(c) through (f) No change.

(2) through (3) No change.

(4) The Corporation will consider resubordinating its HOP Loan to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the following terms of the new transaction: loan type, term of the loan, interest rate, type of interest rate (variable or fixed), principal balance of the loan, reason for the request and whether or not the terms of the new loan are beneficial to the homebuyer.

(a) The homebuyer is subject to the following:

1. No change.

2. No additional debt can be refinanced into the new first mortgage, with the exception of Unit repairs or improvements which requires that these funds be escrowed;

3. through 4. No change.

(b) No change.

67-57.070 Homebuyer Loan Process.

(1) Once construction on the Unit has begun, Members ~~shall may~~ reserve homebuyer financing, on a loan-by-loan basis, by providing the required date of foundation inspection on the submitting a HOP Hhomebuyer Rreservation ("HOPRES201 (4/1/06)"), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/Homeownership Programs/HOP> ~~which must include the date of the foundation inspection.~~

(2) Within fourteen (14) Calendar Days of making the reservation, unless a Member is subject to paragraph (8) below, Members must submit to the Corporation a copy of the

building permit and the Corporation must approve the A completed Eenvironmental Cechecklist ("HOPENV301 (4/1/06)"), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/Homeowner shipPrograms/HOP> ~~with a copy of the building permit must be received and approved by the Corporation within fourteen (14) Calendar Days of making the reservation or the reservation will be cancelled.~~

(3) through (7) No change.

(8) Members using Self Help under USDA-RD Section 502 financing can make reservations four (4) weeks prior to the homebuyer closing. Once a reservation is received, the borrower analysis package, including the ~~statutory~~ Eenvironmental Statutory Cechecklist ("HOPENV302 (4/1/06)"), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/Homeowner shipPrograms/HOP>, must be sent to Loan Servicing within ten (10) Calendar Days for review and approval. Upon approval, the closing can occur and funds will be held in escrow by USDA-RD until completion of the loan closing package.

67-57.080 HOME Regulations.

All Members, homebuyers, and Units must conform to the following federal requirements, as applicable, which are adopted and incorporated herein by reference, available at: <http://www.floridahousing.org/Home/Developers/Homeowner shipPrograms/HOP>:

(a) through (s) No change.

NAME OF PERSON ORIGINATING PROPOSED RULE: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer, Homeownership Programs, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 14, 2005 Corporation Board Meeting

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 5, February 3, 2006

Any person requiring special accommodation at this hearing because of a disability or physical impairment should contact Bridget Warring at the above address. If you are hearing or speech impaired, please use the Florida Dual Party Relay system, which can be reached at 1(800)955-8770 (Voice) or 1(800)955-9771 (TDD).

FISH AND WILDLIFE CONSERVATION COMMISSION

Freshwater Fish and Wildlife

RULE NO.: 68A-27.005
 RULE TITLE: Designation of Species of Special Concern; Prohibitions; Permits

NOTICE OF CHANGES TO PROPOSED RULE

The Fish and Wildlife Conservation Commission announces a change to the above-referenced proposed rule, as a result of the final public hearing on the rule, begun on February 1, 2006, in Gainesville, Florida, and continued on April 5, 2006, in Tallahassee, Florida. The rule as changed will now read as follows:

68A-27.005 Designation of Species of Special Concern; Prohibitions; Permits.

(1) The following species are hereby declared to be of special concern, and shall be afforded the protective provisions specified.

(a) No person shall take, possess, transport, or sell any species of special concern included in this paragraph or parts thereof or their nests or eggs except as authorized by Commission regulations or by permit from the executive director or by statute or regulation of any other state agency, permits being issued upon reasonable conclusion that the permitted activity will not be detrimental to the survival potential of the species.

(b) The following species were listed prior to January 1, 2001, and have been further categorized by the numbers in parentheses under the following criteria: (1) has a significant vulnerability to habitat modification, environmental alteration, human disturbance, or human exploitation which, in the foreseeable future, may result in its becoming a threatened species unless appropriate protective or management techniques are initiated or maintained; (2) may already meet certain criteria for designation as a threatened species but for which conclusive data are limited or lacking; (3) may occupy such an unusually vital or essential ecological niche that should it decline significantly in numbers or distribution other species would be adversely affected to a significant degree; (4) has not sufficiently recovered from past population depletion, and (5) occurs as a population either intentionally introduced or being experimentally managed to attain specific objectives, and the species of special concern prohibitions in Rule 68A-27.002, F.A.C., shall not apply to species so designated, provided that the intentional killing, attempting to kill, possession or sale of such species is prohibited.

1. through 16. No change.

17. Gopher tortoise (*Gopherus polyphemus*) (1, 2, 3). The definition of take set forth in subsection (3) of this rule shall apply to gopher tortoises.

18. through 49. No change.

(2) No change.

(3) No person shall take, attempt to take, pursue, hunt, harass, capture, possess, sell or transport any gopher tortoise (*Gopherus polyphemus*) or parts thereof or their eggs, or take or attempt to take gopher tortoise burrows, except as authorized by Commission permit. For the purpose of this definition of take, a gopher tortoise burrow is a tunnel with a cross-section that closely approximates the shape of a gopher tortoise.

Specific Authority Art. IV, Sec. 9, Fla. Const. Law Implemented Art. IV, Sec. 9, Fla. Const. History--New 8-1-79, Amended 6-22-80, 6-21-82, 7-1-84, 7-1-85, Formerly 39-27.05, Amended 6-1-86, 5-10-87, 4-27-89, 10-22-92, 5-26-94, 6-23-99, Formerly 39-27.005, Amended 2-27-01, 5-1-01, 9-29-03, _____.

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.: 69O-204.201
 RULE TITLE: Life Expectancy Providers

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule, in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 10, March 10, 2006, of the *Florida Administrative Weekly*. These changes are being made to address concerns expressed Rule 69O-204.201, F.A.C., is changed to read as follows:

69O-204.201 Life Expectancy Providers.

(1) Life Expectancy Provider Registration Forms.

(a) The following forms are incorporated by reference to be used in conjunction with an application for registration as a life expectancy provider to implement the provisions of Section 626.99175, Florida Statutes:

<u>Form #</u>	<u>Title</u>
<u>OIR-C1-1663, (01/06)</u>	<u>Application for Registration Life Expectancy Provider</u>
<u>OIR-C1-1298, REV 10/05</u>	<u>Management Information Form</u>
<u>OIR-C1-1423, (January 27, 2005)</u>	<u>Biographical Affidavit</u>

(b) During the pendency of the application if any of the information submitted in the application for registration changes, the applicant must immediately notify the Office in writing of the change and submit documentation to evidence such change.

(c) If any of the information submitted in the application for registration changes subsequent to registration, the registrant shall notify the Office in writing and provide documentation evidencing such changes within 45 days. Changes in the registrant's name, residence address, principal business address, or mailing address requires at least 30 days advance notice.

(d) All forms may be obtained from and shall be submitted to Company Admissions, Office of Insurance Regulation, 200 East Gaines Street, Tallahassee, FL 32399-0326.

(2) Definitions.

“Person performing life expectancies” as used in Section 626.99175(4)(d), Florida Statutes, and “individuals who determine life expectancies” as used in Section 626.99175(4)(g)2., Florida Statutes, means a person or individual with the decision making authority to sign or authorize the issuance of a life expectancy or mortality ratings used to determine a life expectancy.

(3) Life Expectancy Provider Triennial Audit of Life Expectancies.

(a) The audit required by Section 626.99175(5), Florida Statutes, must be certified by an actuary who is a member of the American Academy of Actuaries and qualified in the area of determination of life expectancies used in connection with life insurance, pension funding, or other similar enterprises. The actuary’s certification must include a statement that in his or her opinion the techniques and assumptions used to conduct the audit are reasonable and meet the requirements of Section 626.99175(5), Florida Statutes. Any exceptions to the statutory requirements shall be fully explained in detail in the certification.

(b) Should the actuary conducting the audit of the life expectancies find that in his or her professional judgment that the number of predicted deaths associated with such life expectancies would be too small to be actuarially credible and/or if the lag in reporting deaths to the Social Security Administration would result in an actuarially significant underreporting of deaths for those life expectancies, such events shall be detailed in the audit report and certified by the actuary.

Specific Authority 624.308(1), 626.99175, 626.9925 FS. Law Implemented 624.307(1), 626.99175 FS. History–New

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.”

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 (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-20), to Lennar Homes, Inc. (Petitioner). The Petition for Variance was received by SJRWMD on February 3, 2006. Notice of receipt of the petition requesting the variance was published in the Florida Administrative Weekly, Vol. 32, No.7 on February 17, 2006. No public comment was received. This order provides a temporary variance from subparagraph 40C-41.063(1)(c)1., Florida Administrative Code and Section 11.1.3 of the Applicant’s Handbook: Management and Storage of Surface Waters (February 1, 2005). These rules provide in pertinent part that a surface water management system may not result in an increase in the amount of water being diverted from the Upper St. Johns River Hydrologic Basin to intercoastal receiving waters. Generally, the Order sets forth the basis of the Governing Board’s decision to grant the variance as follows: 1) requiring Petitioner to comply with these rules onsite would create a technological hardship and 2) Petitioner’s financial contribution to the C-1 Rediversion Project or Alternative Rediversion Project will accomplish the purpose of Chapter 373, Florida Statutes, to prevent harm to the water resources by facilitating this project’s implementation. The C-1 Rediversion Project is a restoration project designed to allow water that would be diverted from the St. Johns River to coastal receiving waters by the Melbourne Tillman Water Control District canal system to drain once again to the St. Johns River.

A copy of the order may be obtained by contacting: Veronika Thiebach, Senior Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177, (386)329-4488.

The St. Johns River Water Management District (SJRWMD) Governing Board hereby gives notice that on April 11, 2006, it issued a Final Order Granting Variance under Section 120.542, F.S. (SJRWMD FOR #2006-14), to Mercedes Homes, Inc.