

Section I

Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Plant Industry

RULE NO.: RULE TITLE:

5B-59.003 Tomato Plant Destruction

PURPOSE AND EFFECT: The purpose of this rule is to require the destruction of older, less productive tomato plants that serve as reservoirs of tomato pests and diseases. This will be effective in reducing the impact of tomato pests and diseases on younger tomato transplants thereby improving tomato crop yields.

SUBJECT AREA TO BE ADDRESSED: Pest control, pesticide usage and destruction of plants if necessary.

SPECIFIC AUTHORITY: 570.32(5), (6), 581.031(6), (15), (17), 581.181 FS.

LAW IMPLEMENTED: 581.161, 581.181 FS.

IF REQUESTED IN WRITING BUT 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: Connie Riherd, Assistant Director, Division of Plant Industry, Department of Agriculture and Consumer Services, P. O. Box 147100, Gainesville, FL 32614-7100.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

5B-59.003 Tomato Plant Destruction.

(1) Definitions. For the purpose of this rule, the definitions in Sections 1.01, 500.03, 570.02, 677.102, and 581.011, Florida Statutes, and the following definitions shall apply:

(a) Commercial Tomato Producer. A person who is engaged in and has an economic risk in the business of producing, or causing to be produced, tomatoes for market.

(b) Final harvest. When an active pest management system is no longer maintained in the field following tomato harvest or if harvest has not occurred or not intended and no pest management system is being maintained.

(2) Tomato Plant Destruction. Within five days following the final harvest of a tomato crop, commercial tomato producers shall destroy remaining tomato plants on the production site using a chemical burn-down with a contact desiccant type herbicide that is EPA labeled and approved for this use such as paraquat or diquat that also contains a

minimum three percent oil and a non-ionic adjuvant to destroy crop vegetation. This must be followed by immediate complete destruction by crop removal unless double cropping is planned.

(3) The commercial tomato producer failing to destroy tomato plants within five days following final harvest as described in (2) shall be issued an immediate final order. An immediate final order issued by the department pursuant to this section shall notify the property owner that the tomato plants that are the subject of the immediate final order must be removed and destroyed unless the commercial tomato producer, no later than 10 days after delivery of the immediate final order requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The commercial tomato producer shall not be required to seek a stay of the immediate final order by the department prior to seeking the stay from the district court of appeal. If the commercial tomato producer refuses or neglects to comply with the terms of the notice within 10 days after receiving it, the director or her or his authorized representative may, under authority of the department, proceed to destroy the tomato plants. The expense of the destruction shall be assessed, collected, and enforced against the commercial tomato producer by the department.

Specific Authority 570.32(5), (6), 581.031(6), (15), (17), 581.181 FS. Law Implemented 581.161, 581.181 FS. History—New _____.

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

14-10 Outdoor Advertising Sign Regulation
and Highway Beautification

RULE NOS.: RULE TITLES:

14-10.003 Licenses

14-10.004 Permits

14-10.006 Additional Permitting Criteria

PURPOSE AND EFFECT: This is a replacement rule development notice. A rule development notice to address a single form revision and to revise language in paragraph 14-10.006(4)(e), F.A.C., previously was published in *Florida Administrative Weekly*, Vol. 32, No. 31, dated August 4, 2006, pages 3582 and 3583. A rule development workshop was requested by the Florida Outdoor Advertising Association and is scheduled within this notice. Four other forms also are being amended.

SUBJECT AREA TO BE ADDRESSED: Form 575-070-04, Outdoor Advertising Permit Application, is being revised and paragraph 14-10.006(4)(e), F.A.C., is amended to clarify language relating to placement of new or proposed signs. Four other forms also are being amended.

SPECIFIC AUTHORITY: 334.044(2), 479.02(7), 479.07(3)(c) FS.

LAW IMPLEMENTED: 215.34, 479.04, 479.07 FS.

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

DATE AND TIME: October 6, 2006, 9:00 a.m.

PLACE: Department of Transportation Burns Building Auditorium, 605 Suwannee Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-10.003 Licenses.

(1) No change.

(2) Application Form. An application for a license to engage in the business of outdoor advertising shall be made on an Outdoor Advertising License Application, Form 575-070-02, Rev. 10/06 ~~07/04~~, incorporated herein by reference. Form 575-070-02 may be obtained from the State Outdoor Advertising License and Permit Office, Florida Department of Transportation, 605 Suwannee Street, Mail Station 22, Tallahassee, Florida 32399-0450.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 120.60, 215.34(2), 334.044(28), 339.05, 479.02, 479.04, 479.05, 479.07 FS. History--(Formerly part of Rule 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 1-1-86, Formerly 14-10.03, Amended 6-28-98, 8-19-01, 1-25-04,_____.

14-10.004 Permits.

(1) An application for a new sign permit is made by completing and submitting an Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, incorporated herein by reference, to the address listed in Rule subsection 14-10.003(2), F.A.C. Applications may be obtained from the State Outdoor Advertising License and Permit Office.

(a) through (e) No change.

(f) For purposes of paragraph (c), above, when a valid permit is being conditionally canceled pursuant to subsection 14-10.004(9), F.A.C., the Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06 ~~07/04~~, incorporated herein by reference, and Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, must be submitted simultaneously to the Department. Form 575-070-12 may be obtained from the address listed in subsection 14-10.003(2), F.A.C. The date the Department receives the cancellation and complete application documents shall be considered the date the application is received.

(g) through (3)(c) No change.

(d) The Department shall issue an Outdoor Advertising Permit, Form 575-070-30, Rev. 10/06 ~~07/04~~, to the sign owner upon receipt of a complete Application for Outdoor Advertising Permit, Form 575-070-04, Rev. 10/06 ~~04/05~~, together with all items required by Section 479.07(3)(b), Florida Statutes. For existing signs, the written statement

required by Section 479.07(3)(b), Florida Statutes, shall be any written document from the appropriate local governmental official indicating compliance with local requirements as of the date of the permit application. A previously issued building permit shall be accepted as the statement from an appropriate local governmental official, except in cases where the local government has provided notice to the sign owner that the sign is illegal or has undertaken action to cause the sign to be removed. When a building permit is submitted as the statement of the local government, the applicant shall certify in writing that the local government has not provided notice that the sign is illegal, and that the local government has taken no action to cause the sign to be removed.

(4) through (5) No change.

(6) Posting of Tags. The permanent metal permit tag issued by the Department must be posted by the permittee at the sign site within 30 calendar days of issuance, and must remain in place at all times, whether or not a sign has been erected. If a permit tag is lost, stolen, or destroyed, the permittee must apply to the Department for a replacement tag on Outdoor Advertising Permit Tag Replacement Request, Form 575-070-01, Rev. 10/06 ~~07/04~~, incorporated herein by reference, and shall include a replacement fee of \$3.00 per tag. Form 575-070-01 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(7) Transfer of Permits. Authorization to transfer a permit shall be submitted on Outdoor Advertising Permit Transfer Request, Form 575-070-25, Rev. 10/06 ~~07/04~~, incorporated herein by reference, to the State Outdoor Advertising License and Permit Office at the address listed in Rule Section 14-10.003(2). The request shall be made in accordance with Section 479.07(6), Florida Statutes. Form 575-070-25 may be obtained from the address listed in subsection 14-10.003(2), F.A.C.

(a) through (d) No change.

(8) Cancellation of Permits. Permit cancellation notification must be submitted to the State Outdoor Advertising License and Permit Office at the address listed in subsection 14-10.003(2), F.A.C., on Outdoor Advertising Permit Cancellation Certification, Form 575-070-12, Rev. 10/06 ~~07/04~~, incorporated herein by reference. All canceled tags must be returned to the Department with the certification, or otherwise be accounted for in writing. Pursuant to Section 479.07(8)(b), Florida Statutes, if the sign has not been removed by the former permittee, it shall be removed by the Department and the cost assessed against the former permittee.

(9) through (12)(b) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 215.34, 334.044(28), 339.05, 479.01(14), 479.02, 479.04, 479.07, 479.106(5), 479.24 FS. History--(Formerly part of Rule 14-10.04, Permits; 14-15.05, Right of Way Bureau Operating Procedures), New 3-28-76, Amended 4-21-77, 12-10-77, 6-26-78, 12-31-78, 1-1-86, Formerly 14-10.04, Amended 7-7-92, 6-28-98, 8-10-99, 8-19-01, 1-25-04, 3-15-05,_____.

14-10.006 Additional Permitting Criteria.

Each application for an outdoor advertising sign permit shall meet the requirements of Sections 479.07(9) and 479.11, Florida Statutes. In addition, an application must comply with the requirements of the agreement between the state and the United States Department of Transportation referenced in Section 479.02(1), Florida Statutes, which have not been duplicated in Sections 479.07(9) and 479.11, Florida Statutes, or superseded by stricter provisions in those statutes. The requirements are:

(1) through (3) No change.

(4) Spacing. The minimum required distance between the location for which a permit is sought and the nearest permitted sign shall be measured along the edge of pavement of the main-traveled way from the location marked by the applicant in accordance with Rule 14-10.004, F.A.C., to the location of the permitted sign. In the case of a permitted sign that has not been constructed, the milepost location reflected on the application shall be used as the location of the permitted sign. Measurement along the edge of pavement shall be based on the point perpendicular to a tangent to the edge of the main-traveled way nearest the location of the sign.

(a) For V-type or back-to-back signs to be counted as one sign for spacing purposes, the facings on such signs must be connected by the same sign structure or cross-bracing, or the sign structures must be located not more than 15 feet apart at their nearest point.

(e) ~~When in situations where a sign or a proposed sign is visible from the controlled area of more than one highway subject to the jurisdiction of the Department, pursuant to Section 479.07(1), Florida Statutes, the sign must meet the permitting requirements of both highways, and if it meets the applicable permitting requirements, be permitted to, the highway with the more stringent permitting requirements.~~

(5) through (8) No change.

Specific Authority 334.044(2), 479.02(7) FS. Law Implemented 339.05, 479.02, 479.07(9), 479.08, 479.11 FS. History—New 3-28-77, Amended 12-10-77, 1-1-86, Formerly 14-10.06, Amended 12-26-95, 6-28-98, 8-19-01, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: 40E-4
 RULE CHAPTER TITLE: Environmental Resource Permits

PURPOSE AND EFFECT: To develop supplemental water quality criteria for environmental resource permits for new development in the Upper and Lower Kissimmee, Lake Okeechobee, St. Lucie Estuary and Caloosahatchee Estuary basins.

SUBJECT AREA TO BE ADDRESSED: Water quality criteria for environmental resource permits for new development in the Upper and Lower Kissimmee, Lake Okeechobee, St. Lucie Estuary and Caloosahatchee Estuary basins.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

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

DATE AND TIME: September 29, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Fort Myers, FL 33901

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: South Florida Water Management District Clerk's Office, at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876, or by email to dmeiers@sfwmd.gov. For procedural questions please contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to jsluth@sfwmd.gov.

A draft of the rule text is located on the District's permitting website at: my.sfwmd.gov/permitting. Click in the right hand column under the link entitled "rule development". The draft of the rule text is also located on the District's LOER website at: <http://www.sfwmd.gov/site/index.php?id=727> Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-21 Water Shortage Plan

PURPOSE AND EFFECT: To update the District's rules concerning management of available water supplies during drought conditions particularly in light of the United States Army Corps of Engineers' anticipated modification to the Lake Okeechobee regulation schedule.

SUBJECT AREA TO BE ADDRESSED: Water supply within the Lake Okeechobee service area.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

DATE AND TIME: October 6, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: South Florida Water Management District Headquarters, William Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Peter J. Kwiatkowski, P. G., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 2547 or (561)682-2547, email: pkwiat@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-22 Regional Water Shortage Plans

PURPOSE AND EFFECT: To update the District's rules concerning management of available water supplies during drought conditions particularly in light of the United States Army Corps of Engineers' anticipated modification to the Lake Okeechobee regulation schedule.

SUBJECT AREA TO BE ADDRESSED: Water supply within the Lake Okeechobee service area.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.026, 373.042, 373.0421, 373.103, 373.119, 373.175, 373.246, 373.603, 373.609 FS.

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

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Persons with disabilities or handicaps who need assistance may contact the South Florida Water Management District Clerk's Office, (561)682-2087 at least two business days in advance to make appropriate arrangements.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABALE, IS: Peter J. Kwiatkowski, P.G., South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 2547 or (561)682-2547, email: pkwiat@sfwmd.gov. For procedural questions, contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, email: jsluth@sfwmd.gov.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-41 Surface Water Management Basin and Related Criteria

PURPOSE AND EFFECT: To develop supplemental water quality criteria for environmental resource permits for new development in the Upper and Lower Kissimmee, Lake Okeechobee, St. Lucie Estuary and Caloosahatchee Estuary basins.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting Water Quality criteria in Lake Okeechobee and Estuary Watersheds Basin.

SPECIFIC AUTHORITY: 373.044, 373.113 FS.

LAW IMPLEMENTED: 373.413, 373.416 FS.

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

DATE AND TIME: September 29, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Lower West Coast Regional Service Center, Large Conference Room, 2301 McGregor Blvd., Ft. Myers, FL 33901

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: South Florida Water Management District Clerk at (561)682-2087 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Damon Meiers, Deputy Director, Environmental Resource Regulation Department, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6876 or (561)682-6876, or by email to dmeiers@sfwmd.gov. For procedural questions please contact: Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6299 or (561)682-6299, or by email to jsluth@sfwmd.gov.

A draft of the rule text is located on the District’s permitting website at: my.sfwmd.gov/permitting. Click in the right hand column under the link entitled “rule development”. The draft of the rule text is also located on the District’s LOER website at: <http://www.sfwmd.gov/site/index.php?id=727> Copies can also be obtained by contacting Jan Sluth, Paralegal at the contact information provided above.

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

LAND AND WATER ADJUDICATORY COMMISSION

Villages of Westport Community Development District

RULE NO.: 42QQ-1.002
 RULE TITLE: Boundary

PURPOSE AND EFFECT: The purpose of this proposed rule amendment is to amend the boundaries of the Villages of Westport Community Development District (“CDD”) pursuant to Chapter 190, F.S. The Petition, as supplemented and amended, was filed by the Villages of Westport Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition, as supplemented and amended, proposes to modify the land area presently serviced by the District by amending its boundary to delete approximately 41.66 acres and add approximately 195.16 acres to the District. The District currently covers approximately 1,340 acres of land and after amendment the District will encompass approximately 1,493.006 acres. There is one excluded parcel within the proposed amended boundary of the District. The last known

addresses of the owners of the excluded parcel are: Beverly R. Wilton, 6816 Keyes Road, Jacksonville, Florida 32219 and Charles K. and Joyce Roundtree, 6818 Keyes Road, Jacksonville, Florida 32219. Petitioner has written consent to include the expansion parcels into the District from 100% of the landowners. The expansion parcels proposed to be included within the boundary of the District are owned by Morteza Hosseini Kargar and Mitchell R. Montgomery. Pursuant to Section 190.046(1)(e), F.S., the filing of the Petition, as supplemented and amended, for amendment by the District Board of Supervisors constitutes consent of the landowners. The development plan for the District includes construction of approximately 1,900 single family units, 500 multi-family units, and 200,000 square feet of non-residential mixed use space. No additional residential or non-residential development is anticipated due to the amendment of the District’s boundary. SUBJECT AREA TO BE ADDRESSED: Expansion of the boundaries of the Villages of Westport Community Development District.

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: Tuesday, October 3, 2006, 2:00 p.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jonathan T. Johnson or Wesley Haber, Hopping Green & Sams, P.A., Post Office Box 6526, Tallahassee, Florida 32314, Telephone (850)222-7500; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, telephone (850)487-1884.

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

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement

RULE CHAPTER NO.: 60S-9
 RULE NO.: 60S-9.001
 RULE CHAPTER TITLE: Division of Retirement
 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of 1 new Division form, 25 revised Division forms, delete a redundant form listing, 17 corrections to form titles as listed in Rule, 3 corrections to form descriptions as listed in rule and to update the revision dates of the 5 State Board of Administration (SBA) forms incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 FS.

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

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

PLACE: Department of Management Services, Conference Room Suite 101, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Julie Shaw at (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60S-9.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained from the Division's website (<http://frs.myflorida.com>) or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, or by calling (850)488-5706/488-5540. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737.

(1)(a) Bureau of Enrollment and Contributions.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
1. BEN-001 (Rev. 6/04)	Florida Retirement System Pension Plan Beneficiary Designation Form Active Members Only – a one-page form.
2. FRS-400 (Rev. 4/00)	Florida Retirement System Application for Special Risk Membership Law Enforcement/Correctional Officers – a one-page form.
3. FRS-401 (Rev. 7/99)	Florida Retirement System Special Risk Credit for Past Service – a one-page form.
4. FRS-402 (Rev. 10/01)	Florida Retirement System Application for Special Risk Equivalent Credit – a one-page form.
5. FRS-404 (Rev. 11/02)	Florida Retirement System Application for Special Risk Administrative Support Class – a one-page form.
6. FRS-405 (Rev. 10/03)	Florida Retirement System Application for Special Risk Membership Firefighters/Paramedics/EMTs – a one-page form.
7. ERQ-1 (Rev. 8/06) (Rev. 8/99)	<u>Florida Retirement System Pension Plan Employment Relationship Questionnaire for Retirees Within the 2nd – 12th Months – a five-page form.</u> Florida Retirement System Ballot for Member of an Existing Retirement System – a three-page form.
8. BLE-1 (8/99)	Florida Retirement System Pension Plan Ballot for Member of an Existing Retirement System – a one-page form.
9. SMSD-1 (Rev. 8/00)	Florida Retirement System Senior Management Service Class Designated Position Form – a two-page document consisting of one page of <u>instruction information</u> and a one-page form.
10. FRS-410 (08/05)	<u>Florida Retirement System Application for Special Risk Class Membership Forensic Discipline – a one-page form</u>

(b) State Board of Administration – Enrollment and Election forms.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
1. OCC-1 (Rev. 07-06) (07/04)	Community College Optional Retirement Program (CCORP) Retirement Plan Choice Form for Eligible Employees.
2. OCC-2 (Rev. 07-06) (11/04)	Retirement Plan Conversion Form for Community College Optional Retirement Program (CCORP) Members.
3. SMS-1 (Rev. 07-06) (Rev. 07/04)	State Senior Management Service Employees Retirement Plan Enrollment Form.
4. SMS-3 (Rev. 07-06) (Rev. 07/04)	Local Senior Management Service Employees Retirement Plan Enrollment Form.
5. EOC-1 (Rev. 07-06) (Rev. 07/04)	Elected Officers' Class Employees Retirement Plan Enrollment Form.

(2) Bureau of Retirement Calculations.

FORM NO./ REVISION DATE	TITLE/DESCRIPTION
(a) FR-9 (Rev. 6/04)	Florida Retirement System Pension Plan Information Request – a one-page Form.

(b) FR-11 (Rev. 7/06) (Rev. 6/04)	Florida Retirement System Pension Plan Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.	(r) DP-ELE (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Notice of Election to Participate in the Deferred Retirement Option Program (DROP) and Resignation of Employment – a two-page document with one page of information instruction and a one-page form.
(c) SR-11 (Rev. 5/87)	<u>State and County Officers' and Employees' Retirement System SCOERS</u> Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.	(s) DP-11 (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two three -page form consisting of <u>one page two pages</u> of instruction and a one-page form.
(d) TR-11 (Rev. 7/99)	Teachers' Retirement System Application for Service Retirement – a two-page document consisting of one page of instruction and a one-page form.	(t) DT-11 (Rev. 7/06) (Rev. 9/01)	Teachers' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page three-page document consisting of <u>one page two pages</u> of instruction information and a one-page form.
(e) FR-28 (Rev. 6/04)	Division of Retirement Pension Plan Application to Purchase Retirement Credit for a Pension Plan Leave of Absence – a two-page document consisting of one page of information instruction and a one-page form.	(u) DS-11 (Rev. 7/06) (Rev. 7/99)	State and County Officers' and Employees' Retirement System Application for Service Retirement and the Deferred Retirement Option Program (DROP) – a two-page three-page document consisting of <u>one page two pages</u> of instruction information and a one-page form.
(f) MF-1 (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Statement of Military Eligibility – a two-page document consisting of one page of information instruction and a one-page form.	(v) DP-EXT (5/05)	Florida Retirement System Pension Plan Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel – a one-page form.
(g) TR-4 (Rev. 4/99)	Florida Retirement System Verification of Out-Of-State Teaching Service – a two-page document consisting of one page of instruction and a one-page form.	(w) PRO-1 (Rev. 7/06) (12/02)	Florida Retirement System Pension Plan (401(a) Plan) Pretax Direct Rollover/ Transfer Form – a one-page form.
(h) OSE-1 (Rev. 7/99)	Florida Retirement System Eligibility for In-State or Out-Of-State Service – a one-page form.	(x) HIS-IP (7/04)	Florida Retirement System (FRS) Application for Health Insurance Subsidy for Investment Plan Members – a two-page document consisting of one page of instruction and a one-page form.
(i) WC-1 (Rev. 7/99)	Florida Retirement System Certification of Workers' Compensation – a one-page form.	(y) HIS IP-2 (7/04)	Florida Retirement System Health Insurance Subsidy Certification for Investment Plan Members – a one-page form.
(j) FC-1 (Rev. 7/04)	Florida Retirement System Pension Plan Salary Certification – a two-page document consisting of one page of instruction and a one-page form.	(z) SA-1 (5/00)	Division of Retirement Spousal Acknowledgement – a one-page form.
(k) MF-2 (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Statement of Military Eligibility to Purchase Military Service Under the Out-of-State Provisions of Section 121.1115, F.S. – <u>a two-page document consisting of one page of information and a one-page form</u> a one-page form .		
(l) FR-23 (Rev. 5/05)	Florida Retirement System Pension Plan Notification of Reemployment or Suspension of Retirement Benefits – a one-page form.		
(m) FR-23a (Rev. 5/05)	Florida Retirement System Pension Plan Application to Reactivate Retirement Benefits – a one-page form.		
(n) FR-30 (Rev. 7/04)	Florida Retirement System Pension Plan Verification for In-State or Out-of-State Service Credit – a three-page document consisting of one page of instruction and a two-page form.		
(o) FR-30a (Rev. 7/04)	Florida Retirement System Pension Plan Out-of-State Employer Request – a one-page form		
(p) FRS-11o (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Option Selection for FRS Members – a one-page form.		
(q) FST-11o (Rev. 7/06) (Rev. 7/04)	Florida Retirement System Pension Plan Option Selection for TRS and SCOERS Members – a one-page form.		
		(3) Bureau of Benefit Payments.	
		FORM NO./ REVISION DATE	TITLE/DESCRIPTION
		(a) FR-13 (Rev. 7/06) (Rev. 2/04)	Florida Retirement System Pension Plan Application for Disability Retirement – a four-page document consisting of two pages of instruction and a two-page form.
		(b) FR-13a (Rev. 7/06) (Rev. 7/99)	Florida Retirement System Statement of Disability by Employer – a two-page form.
		(c) FR-13b (Rev. 6/06) (Rev. 7/99)	Florida Retirement System Physician's Report of Disability a two-page form.
		(d) TR-13 (Rev. 10/86)	<u>Teachers' Retirement System of Florida</u> FRS Application for Disability Retirement – a one-page form.
		(e) TR-13a (Rev. 10/86)	<u>Teachers' Retirement System of Florida</u> Member's Statement of Disability – a one-page form.

(f) TR-13b (Rev. 10/86)	<u>Teachers' Retirement System of Florida Physician's Report of Disability</u> – a one-page form.	(z) SVF-1 (Rev. 7/99)	Florida Retirement System <u>Pension Plan Student Verification of Enrollment by Institution</u> – a one-page form.
(g) SR-13 (Rev. 9/71)	<u>State and County Officers' and Employees' Retirement System SCOERS Application for Disability Retirement</u> – a one-page form.	(aa) SVF-2 (Rev. 7/99)	Florida Retirement System <u>Pension Plan Affidavit Attesting to Eligibility</u> – a one-page form.
(h) SR-13a (Rev. 9/71)	<u>State and County Officers' and Employees' Retirement System SCOERS Member's Statement of Disability</u> – a one-page form.	(bb) DIS-1 (Rev. 4/06) (Rev. 12/02)	Florida Retirement System Pension Plan <u>Disclaimer of Benefits</u> – a two-page document consisting of one page of instruction and a one-page form.
(i) SR-13b (Rev. 9/71)	<u>State and County Officers' and Employees' Retirement System SCOERS Physician's Report of Disability</u> – a one-page form.	(cc) JA-NUL (Rev. 7/99)	Florida Retirement System <u>Pension Plan Joint Annuitant Nullification Form</u> – a one-page form.
(j) FR-13e (Rev. 7/06) (Rev. 7/99)	<u>Florida Retirement System FRS Retiree's Report of Continuing Disability</u> – a two-page form.	(dd) FR-30b (Rev. 7/99)	Florida Retirement System <u>Pension Plan Verification for In-State or Out-of-State Service Credit</u> – a two-page form.
(k) FR-13f (Rev. 7/06) (Rev. 7/99)	<u>Florida Retirement System FRS Physician's Report of Reexamination</u> – a two-page form.	(ee) DP-TERM (Rev. 6/06) (Rev. 8/04)	Florida Retirement System <u>Pension Plan Deferred Retirement Option Program (DROP) Termination Notification</u> – a one-page form.
(l) TR-13e (Rev. 2/88)	<u>Teachers' Retirement System TRS Retiree's Report of Continuing Disability</u> – a four page form.	(ff) DP-PAYT (Rev. 3/03) (Rev. 10/04)	Florida Retirement System <u>Pension Plan Deferred Retirement Option Program (DROP) Selected Payout Method</u> – a one-page form.
(m) TR-13f (Rev. 7/81)	<u>Teachers' Retirement System TRS Physician's Report of Reexamination</u> – a four-page form.	(gg) DP-JOINT (Rev. 9/99)	Florida Retirement System <u>Pension Plan Deferred Retirement Option Program (DROP) Joint Annuitant Verification</u> – a one-page form.
(n) SR-13e (10/86)	<u>State and County Officers' and Employees Retirement System SCOERS Retiree's Report of Continuing Disability</u> – a four-page form.	(hh) Rollover (Rev. 7/01)	Florida Retirement System <u>Pension Plan Direct Rollover Election Form</u> – a one-page form.
(o) SR-13f (Rev. 7/81)	<u>State and County Officers' and Employees' Retirement System SCOERS Physician's Report of Reexamination</u> – a four-page form.	(ii) DP-12 (Rev. 2/06) (Rev. 9/02)	Florida Retirement System Pension Plan <u>Beneficiary Designation Form for the Alternate Payee of a DROP Participant</u> – a one-page form.
(p) FRS-M81 (Rev. 7/01)	Florida Retirement System <u>Pension Plan Request for Refund</u> – a one-page form.	(jj) SB-13b (Rev. 3/01)	Florida Retirement System <u>Pension Plan SCOERS Physician's Report</u> – a two-page form.
(q) HIS-1 (Rev. 7/05) (Rev. 7/02)	Florida Retirement System <u>Pension Plan Health Insurance Subsidy Certification Form</u> – a two-page document consisting of one page of instruction and a one-page form.	(kk) FST-11so2 (Rev. 12/02)	Florida Retirement System <u>Pension Plan Application for Survivor Benefits</u> – a one-page form.
(r) FST-12 (Rev. 12/02)	Florida Retirement System Pension Plan <u>Beneficiary Designation Form (Retired Members Only)</u> – a one-page form.	(ll) DP-TEOC (9/01)	Florida Retirement System <u>Pension Plan Deferred Retirement Option Program (DROP) Elected Officers' Termination Notification</u> – a one-page form.
(s) JA-1 (Rev. 12/02)	Florida Retirement System Pension Plan <u>Change of Joint Annuitant Form (Retired Members Only)</u> – a one-page form.	(mm) DROLL (1/02)	Florida Retirement System <u>Pension Plan Beneficiary Direct Rollover Election Form</u> – a one-page form.
(t) AAPS (Rev. 8/00)	Florida Retirement System <u>Pension Plan Affidavit Attesting to Payee Status Military Eligibility</u> a one-page form.	(nn) DIS-2 (Rev. 4/06) (8/03)	Florida Retirement System Pension Plan <u>Disclaimer of Benefits</u> – a two-page document consisting of one page of instruction and a one-page form.
(u) FST-11b (Rev. 12/02)	Florida Retirement System Pension Plan <u>Application of Beneficiary for Monthly Retirement Benefits</u> – a one-page form.	(oo) DIS-3 (Rev. 4/06) (8/03)	Florida Retirement System Pension Plan <u>Disclaimer of Benefits</u> – a two-page document consisting of one page of instruction and a one-page form.
(v) FST-11g (Rev. 12/02)	Florida Retirement System Pension Plan <u>Application of Beneficiary for Benefit Payment</u> – a one-page form.	(pp) DP-VOID (4/03)	Florida Retirement System Pension Plan <u>Deferred Retirement Option Program (DROP) Void Form</u> – a one-page form.
(w) TR-11c (Rev. 12/02)	Teachers Retirement System <u>Application for Survivor Benefits</u> – a two-page document consisting of one page of <u>information instruction</u> and a one-page form.	(qq) SRA-1 (Rev. 12/04) (Rev. 7/04)	Florida Retirement System Pension Plan <u>Service Retirement Agreement</u> – a one-page form.
(x) SRF-2 (Rev. 7/99)	Florida Retirement System <u>Pension Plan Student Report Form</u> – a one-page form.	(rr) DP-EXT (5/05) (see 60S-9.001(2)(v))	Florida Retirement System Pension Plan <u>Extension of Deferred Retirement Option Program (DROP) for Specified K-12 Instructional Personnel</u> – a one-page form.
(y) SRF-3 (Rev. 7/99)	Florida Retirement System <u>Pension Plan Authorization for Release of Information</u> – a one-page form.		

- (rr)(ss) PR-13 (Rev. 7/06)
(7/04) Florida Retirement System Investment Plan Application for Disability Retirement – a four-page form consisting of two pages of instruction and a two-page form.
- (ss)(tt) PR-11o (7/04) Florida Retirement System Investment Plan Option Selection for FRS Members – a one-page form.

(4) Administration.

FORM NO./ REVISION DATE	TITLE
(a) SAPS (Rev. 10/02)	Florida Retirement System Statement Attesting to Payee Status – a one-page form.

Specific Authority 121.031 FS. Law Implemented 1.01, 112.215, 112.361, 112.363, 120.55, 121.011, 121.015, 122.021, 121.031(2), 121.051, 121.0515, 121.081, 121.091, 121.111, 121.115, 121.112, 121.121, 121.125, 121.4501, 121.591, 122.08, 122.09, 215.28, 238.05, 238.06, 238.07, 689.21, 1012.01 FS. History–New 9-9-82, Amended 2-6-84, 11-6-84, 4-17-85, Formerly 22B-9.01, Amended 6-4-86, 12-5-90, Formerly 22B-9.001, Amended 1-4-93, 1-18-94, 4-26-94, 1-10-95, 11-2-95, 12-28-95, 3-12-96, 12-16-97, 10-14-98, 4-26-99, 1-24-00, 12-19-00, 2-6-01, 3-18-02, 10-23-05,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Division of Retirement – Optional Retirement Program

RULE CHAPTER NO.: RULE CHAPTER TITLE:
60U-1 Division of Retirement – Optional Retirement Program

RULE NO.: RULE TITLE:
60U-1.006 Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the deletion of 2 Division forms, the adoption of 2 new Division forms and the incorporation by reference of 1 State Board of Administration form.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 FS.

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

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

PLACE: Department of Management Services, Conference Room Suite 101, 4050 Esplanade Way, Tallahassee, Florida 32399-0949

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd, Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Julie Shaw at (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60U-1.006 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the public in administering the State University System Optional Retirement Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained through the Board of Governors Regents and State University System Personnel Offices or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, FL 32315-9000. These forms may also be printed or downloaded from the Division’s website (<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration (www.myfrs.com). A copy of these forms may also be obtained by calling the Division at (850)488-5706. If calling from outside the Tallahassee calling area you may call the Division toll-free at (877)377-1737. Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.

(1)(a) Division Forms.

FORM DATE	NO./REVISION	TITLE
(1) ORP-1	(Rev. 7/99)	Optional Retirement Program Employer Application for Administrative and Professional Positions
(2) ORP-16	(Rev. 7/00)	State University System Optional Retirement Program (SUSORP)/(FRS) Ballot
1. ORP-16A	(Rev 12/02)	Florida Retirement System State University Optional Retirement Program (SUSORP) Change Form – a one-page form
2. ORP-EFT	(11/05)	Florida Retirement System State University System Optional Retirement Program Supplemental Statement for Distributions- a one page form

(b) State Board of Administration Forms.

1. ORP-16	(Rev. 07/06)	State University System ORP-Eligible Employees Retirement Plan Enrollment Form – a four-page form.
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Specific Authority 121.031 FS. Law Implemented 121.051(1)(a), 121.35 FS. History–New 2-28-84, Amended 9-5-84, Formerly 22U-1.06, Amended 12-5-90, Formerly 22U-1.006, Amended 1-4-93, 10-20-93, 1-10-95, 5-14-95, 9-18-96, 10-14-98, 1-24-00, 12-19-00,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Senior Management Service Optional Annuity Program

RULE CHAPTER NO.: 60V-1
 RULE CHAPTER TITLE: Senior Management Service Optional Annuity Program

RULE NO.: 60V-1.007
 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the deletion of 1 Division form, the adoption of 1 new Division form and the incorporation by reference of 2 State Board of Administration forms.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 FS.

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

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

PLACE: Department of Management Services, Conference Room Suite 101, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd, Bldg. 8, Tallahassee, FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Julie Shaw at (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60V-1.007 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Senior Management Service Optional Annuity Program, which are hereby incorporated by reference into these rules. A copy of these forms may be obtained by calling the Division at (850)488-5706/2784. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737 or by writing to the Division of Retirement at, P. O. Box 9000, Tallahassee, FL 32315-9000. ~~Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560.~~ These forms may also be printed or downloaded from the Division's website

(<http://frs.myflorida.com>) or from the cooperative website of the Division and the State Board of Administration (www.myfrs.com).

(1)(a) Division Forms.

FORM NO./ REVISION	TITLE/DESCRIPTION
DATE (1)-SMS-1 (Rev. 7/00)	Senior Management Service Employees Retirement Plan Enrollment Form Optional Annuity Program (SMSOAP)/FRS Ballot
1. OAP-EFT (11/05)	Florida Retirement System Senior Management Service Class (SMSC) Supplemental Statement for Distributions – a one-page form

(b) State Board of Administration Forms.

FORM NO./REVISION	TITLE
DATE 1. SMS-1 (Rev. 07/06)	State Senior Management Service Employees Retirement Plan Enrollment Form
2. Form SMS-4 (11/05)	Retirement Plan Conversion Form for Local Employer Senior Management Service Class (SMSC) Members

Specific Authority 121.031 FS. Law Implemented 121.055 FS. History–New 1-4-93, Amended 1-10-95, 5-14-95, 9-18-96, 10-14-98, 1-24-00, 12-19-00,_____.

DEPARTMENT OF MANAGEMENT SERVICES

IFAS Supplemental Benefit Program

RULE CHAPTER NO.: 60W-8
 RULE CHAPTER TITLE: Division of Retirement

RULE NO.: 60W-8.001
 RULE TITLE: Approved Forms

PURPOSE AND EFFECT: The purpose of this rule development is to propose the adoption of 1 new Division form and 1 revised Division form.

SUBJECT AREA TO BE ADDRESSED: Forms.

SPECIFIC AUTHORITY: 121.031 FS.

LAW IMPLEMENTED: 121.051(1)(a), 121.35 FS.

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

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

PLACE: Department of Management Services, Conference Room Suite 101, 4050 Esplanade Way, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Garry Green, Operations and Management Consultant Manager, Department of Management Services, Division of Retirement, 1317 Winewood Blvd., Bldg. 8, Tallahassee FL 32399-1560, (850)488-5706

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise

the agency at least 48 hours before the workshop/hearing/meeting by contacting Julie Shaw at (850)487-3423. If you are hearing or speech impaired, please contact the agency by calling (850)410-0684.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

60W-8.001 Approved Forms.

The following is a list of the forms utilized by the Division of Retirement in its dealings with the participants in the Institute of Food and Agricultural Sciences Supplemental Benefit Program which are hereby incorporated by reference into these rules. A copy of these forms may be obtained from the Division's website (<http://frs.myflorida.com>) or by writing to the Division of Retirement, P. O. Box 9000, Tallahassee, Florida 32315-9000, Cedars Executive Center, Building C, 2639 North Monroe Street, Tallahassee, Florida 32399-1560. You may also call the Division to request a copy of these forms by dialing (850)488-5706. If calling from outside the Tallahassee calling area, you may call the Division toll-free at (877)377-1737.

<p>FORM NO./REVISION DATE IF-11 (Rev. 7/06)(Rev. 5/92)</p> <p>FRS-11o (IFAS) (Rev. 7/06)</p>	<p>TITLE/DESCRIPTION FRS Application for IFAS Supplemental Retirement – a two-page form consisting of one page of instruction and a one-page form. <u>Florida Retirement System Option Selection for Institute of Food and Agricultural Sciences – a one-page form.</u></p>
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Specific Authority 121.40(14) FS. Law Implemented 121.40 FS. History–New 2-4-86, Formerly 22Q-8.001, Amended 1-4-93,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Surveyors and Mappers

RULE NO.: 61G17-2.005
 RULE TITLE: Statement Regarding Lack of Insurance

PURPOSE AND EFFECT: The purpose and effect of this amendment is to change from 1/8" to 1/4" the minimum height of the letters in the printed statement called for in this rule in order to conform with the requirements of paragraph 61G17-6.003(3)(f), F.A.C.

SUBJECT AREA TO BE ADDRESSED: Statement Regarding Lack of Insurance.

SPECIFIC AUTHORITY: 472.015 FS.

LAW IMPLEMENTED: 472.015 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: Rick Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G17-2.005 Statement Regarding Lack of Insurance.

In addition to the office sign required by Section 472.015, F.S., if neither the business entity nor the individual licensee has professional liability insurance, the map and the report, if there is a report, must contain the following printed statement in letters at least 1/4" 1/8" high: The survey depicted here is not covered by professional liability insurance.

Specific Authority 472.015 FS. Law Implemented 472.015 FS. History–New 2-20-96, Amended_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

<p>RULE CHAPTER NO.: 62-602</p> <p>RULE NOS.: 62-602.200 62-602.230 62-602.250 62-602.270 62-602.300 62-602.350 62-602.360 62-602.410 62-602.420 62-602.430 62-602.450</p>	<p>RULE CHAPTER TITLE: Drinking Water and Domestic Wastewater Treatment Plant Operators</p> <p>RULE TITLES: Definitions Approval of Residence or Correspondence Courses Criteria for Determining Eligible Experience Eligibility for Operator Examinations Qualifications for Operator Licensure Approval of Residence or Correspondence Courses Licensing Requirements for Non-Florida Operators Applications for Examination Applications for License Application Processing for Examinations and License Notification to Applicants for Examinations</p>
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62-602.500	Examination Administration
62-602.560	Candidates' Post Exam Review
62-602.570	Formal Administrative Hearing Petition and Pre-hearing Review Request
62-602.600	Fees for Operator Examinations and Licensure
62-602.650	Duties of Operators
62-602.660	Technical Manuals
62-602.700	Operator Licensing
62-602.710	Renewal of Operator Licenses
62-602.720	Inactive Status of License
62-602.800	Grounds for Disciplinary Proceedings
62-602.850	Disciplinary Guidelines
62-602.870	Suspension and Revocation of Operator License
62-602.880	Consecutive Public Water System Operator Licenses
62-602.900	Forms for the Operator Certification Program

PURPOSE AND EFFECT: The Department is establishing licensure requirements and procedures for water distribution system operators. The Department also is making clarifications and changes to existing licensure requirements and procedures for water or domestic wastewater treatment plant operators.

SUBJECT AREA TO BE ADDRESSED: Rule 62-602.200, F.A.C., is being amended to clarify, change, or add definitions of words, phrases, and terms used in Chapter 62-602, F.A.C. Rule 62-602.230, F.A.C., is being amended to specify how the Department will approve training courses for water distribution system operators and to modify how the Department will approve training courses for treatment plant operators. Rule 62-602.250, F.A.C., is being amended to describe eligible water distribution operator experience and to indicate that treatment plant operator experience may be obtained as an employee, volunteer, or contractor and may be obtained at a plant or an electronic control system. Rule 62-602.270, F.A.C., is being amended to add exam eligibility requirements for water distribution operators. Rule 62-602.300, F.A.C., is being amended to specify qualifications for licensure of water distribution operators. Rule 62-602.350, F.A.C., is being repealed because it is superseded by Rule 62-602.230, F.A.C. Rule 62-602.360, F.A.C., is being amended to establish licensing requirements for water distribution operators licensed in other states and to give operators licensed in other states one opportunity to pass an exam without having to complete a training course. Rule 62-602.410 is being amended to add application procedures for water distribution operator exams and to eliminate language that allows persons to apply for an operator exam and license at the same time. Rule 62-602.420, F.A.C., is being amended to add application procedures for water distribution operator licenses. Rule 62-602.430, F.A.C., is being amended to eliminate language that allows persons to

apply for an operator exam and license at the same time. Rule 62-602.450, F.A.C., is being amended to clarify that only applicants approved by the Department to take an exam will be notified about the exam. Rule 62-602.500, F.A.C., is being amended to eliminate reference to outdated and unnecessary Department manuals. Rule 62-602.560, F.A.C., is being amended to establish a time limit for post-exam reviews; to specify what documents examinees will be given during post-exam reviews; to state that challenges of exam questions must be submitted in writing during post-exam reviews; and to state that, after a meritorious challenge of an exam question, the Department will regrade only the exams of those examinees who failed but scored a 65 percent or higher. Rule 62-602.570, F.A.C., is being amended to give examinees the opportunity to petition for an administrative hearing within 21 days after the date the Department determines an exam question challenge is without merit and to state that the Department will issue an amended grade notification letter if it discovers during preparation for an administrative hearing that credit should be awarded for an exam question. Rule 62-602.600, F.A.C., is being amended to add exam fees, licensure fees, and license renewal fees for water distribution operators; to eliminate language allowing persons to apply for an operator exam and license at the same time; and to eliminate the opportunity for examinees to request hand scoring of an exam because repeat electronic scoring is conducted. Rule 62-602.650, F.A.C., is being amended to add duties of water distribution operators; to clarify who operators must notify in the event of a wastewater spill or a security breach or emergency/abnormal conditions at a public water system; to require a separate operation and maintenance (O&M) log for each plant; and to require operators to note in O&M logs when they report wastewater spills or security breaches or emergency/abnormal conditions at a public water system. Rule 62-602.660, F.A.C., is being amended to list the latest edition of referenced operation manuals; to reference five new operation manuals; and to eliminate reference to design and construction manuals and two obsolete operation manuals. Rule 62-602.700, F.A.C., is being amended to make a minor clarification. Rule 62-602.710, F.A.C., is being amended to add continuing education requirements for water distribution operators and to add new topics for continuing education. Rule 62-602.720, F.A.C., is being amended to make a minor clarification. Rule 62-602.800, F.A.C., is being amended to establish grounds for disciplinary proceedings for water distribution operators. Rule 62-602.850, F.A.C., is being amended to establish disciplinary guidelines for water distribution operators; to specify a recommended penalty for failure to perform treatment plant or water distribution operation in a manner consistent with standard operating practices; and to recommend a penalty for failure to comply with any Department order previously entered in a disciplinary hearing. Rule 62-602.870, F.A.C., is being amended to establish grounds for suspension or revocation of water

distribution operator licenses. Rule 62-602.880, F.A.C., is being amended to state that the Department will no longer issue consecutive public water system operator licenses and will convert all existing consecutive system operator licenses to Level 4 water distribution operator licenses. Rule 62-602.900, F.A.C., is being amended to add application forms for water distribution operator exams and licenses.

SPECIFIC AUTHORITY: 403.869, 403.872 FS.

LAW IMPLEMENTED: 403.1842, 403.8532, 403.865, 403.866, 403.867, 403.869, 403.871, 403.872, 403.873, 403.874, 403.875, 403.876 FS.

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

DATE AND TIME: 3 workshops

1. Monday, October 2, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Room 609, Tallahassee, Florida

2. Wednesday, October 4, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida

3. Thursday, October 5, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630. It is also on-line at: <http://www.dep.state.fl.us/water/drinkingwater/docs/602-699PublicWorkshopDraftRulesAug06.pdf>.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:

62-699 Treatment Plant Classification and Staffing

RULE NOS.: RULE TITLES:

62-699.200 Definitions
62-699.310 Classification and Staffing of Plants
62-699.311 Additional Classification and Staffing Requirements

PURPOSE AND EFFECT: The Department is establishing classification and staffing requirements for water distribution systems. The Department also is making clarifications and changes to existing classification and staffing requirements for water or domestic wastewater treatment plants.

SUBJECT AREA TO BE ADDRESSED: Rule 62-699.200, F.A.C., is being added to define words, phrases, and terms used in Chapter 62-699, F.A.C. Rule 62-699.310, F.A.C., is being amended to add classification and staffing requirements for water distribution systems; to clarify, change, and expand the list of treatment processes included under the various categories of domestic wastewater or water treatment plants; to increase staffing from 1/2 hour/day to 1 hour/day for Category I, Class C, wastewater plants with a capacity less than 0.05 million gallons per day (MGD); to specify that the cumulative time spent each week visiting a Category III, Class C, water plant with a capacity less than 0.25 MGD shall be equal to an average of at least 30 minutes per visit; and to specify that the cumulative time spent each week visiting a Category IV, Class C or D, water plant with a capacity less than 1.0 MGD or a Category V, Class C or D, water plant with a capacity less than 3.0 MGD shall be equal to an average of at least 15 minutes per visit. Rule 62-699.311, F.A.C., is being amended to add classification and staffing requirements for water distribution systems; to allow Class D plant operators to be the lead/chief operator of up to five water or wastewater plants if the plants are under the same ownership; to establish approval criteria governing staffing reductions for plants under an electronic surveillance system, automatic control system, or electronic control system, for plants operating at less than permitted capacity, and for multiple Category V water plants connected to the same distribution system; to allow the Department to require increased staffing where necessary to ensure compliance; and to require that Class C plants be visited by their lead/chief operator at least twice per month and that Class D plants be visited by their lead/chief operator at least once per month.

SPECIFIC AUTHORITY: 403.869, 403.88(4) FS.

LAW IMPLEMENTED: 403.852, 403.862, 403.866, 403.867, 403.875(1)(f), 403.88(1), (2), (3) FS.

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

TIME AND DATE: 3 workshops

1. Monday, October 2, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, 2600 Blair Stone Road, Twin Towers Office Building, Room 609, Tallahassee, Florida

2. Wednesday, October 4, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Southeast District Office, 400 North Congress Avenue, Suite 200, West Palm Beach, Florida

3. Thursday, October 5, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Virginia Harmon, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Virginia Harmon, Department of Environmental Protection, at 2600 Blair Stone Road, M.S. 3520, Tallahassee, Florida 32399-2400, (850)245-8630; and is on-line at <http://www.dep.state.fl.us/water/drinkingwater/docs/602-699PublicWorkshopDraftRulesAug06.pdf>

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

DEPARTMENT OF JUVENILE JUSTICE

Detention Services

RULE CHAPTER NO.: RULE CHAPTER TITLE:

63G-1 Detention Cost Sharing

RULE NOS.: RULE TITLES:

63G-1.005 Fiscally Constrained Counties

63G-1.007 Quarterly Reporting

63G-1.008 Annual Reconciliation

PURPOSE AND EFFECT: The proposed rule amendments revise the methodology by which fiscally constrained counties are proportionately assessed for predisposition detention care when costs exceed the legislative appropriation. Amendments are also required to modify the timing of quarterly reporting and reconciliation.

SUBJECT AREA TO BE ADDRESSED: Standards and procedures for apportioning and collecting counties' responsibility for pretrial secure detention costs.

SPECIFIC AUTHORITY: 20.316, 985.405, 985.2155 FS.

LAW IMPLEMENTED: 985.2155 FS.

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

DATE AND TIME: Friday, September 29, 2006, 1:00 p.m. – 3:00 p.m.

PLACE: DJJ Headquarters, Knight Building, Room 312, 2737 Centerview Dr., Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Clyde Benedix, 2737 Centerview Drive, Ste. 312-I, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

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

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.:

RULE TITLE:

64B16-28.141

Requirements for an Automated Pharmacy System in a Community Pharmacy

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

SUBJECT AREA TO BE ADDRESSED: Requirements for an Automated Pharmacy System in a Community Pharmacy.

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.018, 465.022 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: 64B16-28.450
RULE TITLE: Centralized Prescription Filling
PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.
SUBJECT AREA TO BE ADDRESSED: Centralized Prescription Filling.
SPECIFIC AUTHORITY: 465.003, 465.005, 465.0265 FS.
LAW IMPLEMENTED: 465.003(16), 465.0265 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH**Board of Pharmacy**

RULE NO.: 64B16-28.451
RULE TITLE: Pharmacy Common Database
PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to create instructions concerning pharmacies who utilize a common database.
SUBJECT AREA TO BE ADDRESSED: Pharmacy Common Database.
SPECIFIC AUTHORITY: 465.05, 465.022 FS.
LAW IMPLEMENTED: 465.0266 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: Rebecca Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin C04, Tallahassee, Florida 32399-3254
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B16-28.451 Pharmacy Common Database.

(1) A pharmacy licensed under this chapter may perform prescription drug processing for other pharmacies, provided that all pharmacies are under common ownership, utilize a

common database, and are properly licensed, permitted or registered in this state or another state. Nothing in this subsection shall prohibit a pharmacist employee of said pharmacies who is licensed in Florida from remotely accessing the pharmacy's electronic database from outside the pharmacy in order to process prescriptions, provided the pharmacy establishes controls to protect the privacy and security of confidential records.

(2) Prescription drug processing does not include the dispensing of a prescription drug but includes any of the following:

- (a) Receiving, interpreting, or clarifying a prescription;
- (b) Entering prescription data into the pharmacy's record;
- (c) Verifying or validating a prescription;
- (d) Performing prospective drug review as defined by the Board;

- (e) Obtaining refill and substitution authorizations;
- (f) Interpreting or acting on clinical data;
- (g) Performing therapeutic interventions;
- (h) Providing drug information concerning a patient's prescription;

(i) Providing patient counseling.

(3) Each pharmacy performing prescription drug processing pursuant to this section must maintain a policy and procedure manual, which shall be made available to the Board or its agent upon request. The policy and procedure manual shall include the following information:

- (a) A prescription for how each pharmacy will comply with federal and state laws, rules and regulations;
- (b) The procedure for maintaining appropriate records to identify the pharmacies and pharmacists responsible for the prescription drug processing and dispensing of the prescription;
- (c) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information;
- (d) The procedure to be used by the pharmacy in implementing and operating a quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care.

(4) The prescription drug processing of a prescription by one pharmacy for another pursuant to this section shall not be construed as the transferring of a prescription as set forth in Section 465.026, F.S.

(5) In addition to all record requirements of Rule 64B16-28.140, F.A.C., all pharmacies participating in prescription drug processing, shall maintain appropriate records which identify, by prescription, the name(s), initials, or identification code(s) of each pharmacist or pharmacy technician who performs a processing function for a prescription. Such records shall be maintained:

- (a) Separately by each pharmacy and pharmacist; or

(b) In a common electronic file, as long as the records are maintained in such a manner that the data processing system can produce a printout which lists the functions performed by each pharmacy, pharmacist, pharmacy intern and pharmacy technician.

Specific Authority 465.05, 465.022 FS. Law Implemented 465.0266 FS. History–New

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.002
RULE TITLE: Educational Requirements
PURPOSE AND EFFECT: The Board proposes a rule amendment to address the educational requirements.
SUBJECT AREA TO BE ADDRESSED: Educational requirements for provisional licensure.
SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1155, 468.1185 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.004
RULE TITLE: Professional Employment Experience
PURPOSE AND EFFECT: The Board proposes a rule amendment to address professional employment experience.
SUBJECT AREA TO BE ADDRESSED: Professional employment experience required for licensure as a Speech Language Pathologist or Audiologist.
SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1165 FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela

King, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.006
RULE TITLE: Licensure by Endorsement
PURPOSE AND EFFECT: The Board proposes a rule amendment to address the requirements for licensure by endorsement.
SUBJECT AREA TO BE ADDRESSED: Licensure by endorsement requirements and application process.
SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1145(2), 468.1185(3) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-4.002
RULE TITLE: Educational Requirements for Assistants
PURPOSE AND EFFECT: The Board proposes a rule amendment to address the educational requirements for assistants.
SUBJECT AREA TO BE ADDRESSED: Education requirements for certification as a language pathology or an audiology assistant and the application process.
SPECIFIC AUTHORITY: 468.1135(4), 468.121(3) FS.
LAW IMPLEMENTED: 468.1215(1), (2) FS.
IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela

King, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-6.002
 RULE TITLE: Standards for Approval of Continuing Education Activities and Providers

PURPOSE AND EFFECT: The Board proposes a rule amendment to address the standards for approval of continuing education activities and providers.

SUBJECT AREA TO BE ADDRESSED: Requirements and standards to obtain approval for continuing education activities and providers and the administrative process to obtain approval from the board.

SPECIFIC AUTHORITY: 456.013, 468.1135(4), 468.1195(3) FS.

LAW IMPLEMENTED: 468.1195 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Pamela King, Executive Director, Board of Speech-Language Pathology and Audiology/MQA, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-2.001
 RULE TITLE: License by Endorsement

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language seeking reentry into the profession after 2 years of non-practice.

SUBJECT AREA TO BE ADDRESSED: Licensure.

SPECIFIC AUTHORITY: 468.353(1), 468.358(3) FS.

LAW IMPLEMENTED: 468.358(2), (3), 468.365 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-2.001 License by Endorsement.

(1) Each applicant applying for licensure shall pay an application fee in the form of a check or money order payable to the Department of Health. The initial application must be accompanied by the application fee. The application fee is nonrefundable and may not be used for more than one year from the original submission of the application. After one year from the date of the original submission of an application and application fee, a new application and new fee shall be required from any applicant who desires to be considered for licensure.

(2) Every applicant for licensure as a registered respiratory therapist or certified respiratory therapist shall demonstrate the following:

(a)1. That the applicant holds the “Registered Respiratory Therapist” or “Certified Respiratory Therapist” credential issued by the National Board for Respiratory Care, or an equivalent credential acceptable to the Board; or

2. That the applicant holds licensure, or the equivalent, to deliver respiratory care in another state and such licensure was granted pursuant to requirements determined to be equivalent to, or more stringent than, the requirements in Florida.

(b) That the applicant is not otherwise disqualified by reason of a violation of Chapter 456 or Chapter 468, Part V, F.S., or the rules promulgated thereunder.

(c) That the applicant has completed a Board approved 2-hour course in medical error prevention meeting the criteria set forth in Rule 64B32-6.006, F.A.C.

(d) An applicant who has been out of the practice of respiratory care for 2 years or more must complete a Board-approved comprehensive review course in order to ensure that he or she has the sufficient skills to re-enter the profession. Board-approved comprehensive course means any course or courses which includes, at a minimum, fourteen (14) direct contact education hours in the topics and numbers of hours as follows (for the purpose of this section, home study courses are not permitted):

Patient assessment	3 hours
Hemodynamics	2 hours
Pulmonary Function	1 hour
Arterial blood gases	1 hour
Respiratory equipment including medications	2 hours
Airway Care	1 hour
Mechanical ventilation	2 hours

Emergency care/special procedures 1 hour
 General respiratory care 1 hour

Specific Authority 468.353(1), 468.358(3) FS. Law Implemented 468.358(2), (3), 468.365 FS. History--New 4-29-85, Formerly 21M-34.02, 21M-34.002, 61F6-34.002, 59R-71.002, 64B8-71.002, Amended 7-22-02, 8-28-05,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:

64B32-5.001 Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes to amend the rule to add language to the disciplinary guidelines regarding a licensee failure to comply with Section 456.072(1)(t), F.S.

SUBJECT AREA TO BE ADDRESSED: Disciplinary guidelines.

SPECIFIC AUTHORITY: 456.079, 468.365(4) FS.

LAW IMPLEMENTED: 456.072, 468.365 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B32-5.001 Disciplinary Guidelines.

(1) through (3)(ee) No change.

<u>(ff) Failure to notify a patient through written or oral notice of the type of license the practitioner holds. (456.072(1)(t), F.S.)</u>	<u>First Offense:</u>	<u>Read laws and rules and submit an affidavit attesting that the licensee has read the laws and rules.</u>
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<u>Second Offense:</u>	<u>A fine from \$100.00 to \$5000.00.</u>
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(4) through (6) No change.

Specific Authority 456.079, 468.365(4) FS. Law Implemented 456.072, 468.365 FS. History--New 4-29-85, Formerly 21M-37.01, 21M-37.001, Amended 1-3-94, Formerly 61F6-37.001, 59R-74.001, 64B8-74.001, Amended 5-5-02, 12-5-04, 5-15-05,_____.

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: RULE TITLE:

64B32-6.002 Definitions

PURPOSE AND EFFECT: The Board proposes to amend rule to clarify definition for academic credit.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.353(1), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 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: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.002 Definitions.

(1) "Academic Quarter Credit Hour" means ten (10) contact hours.

(2) "Academic Semester Credit Hour" means fifteen (15) contact hours.

(3)(4) "Appropriate continuing education" means planned offerings designed to enhance learning and promote the continued development of knowledge, skills, and attitudes consistent with contemporary standards for the individual's respiratory care practice.

(4)(2) "Approved" means acceptable to the Board.

(5)(3) "Biennium" means a time period of two (2) calendar years, as designated by the Department.

(6)(4) "One (1) contact hour" equals a minimum of fifty (50) minutes. One-half (1/2 or.5) contact hour equals a minimum of twenty-five (25) minutes.

(7)(5) "Offering" means a planned educational experience dealing with a specific content based on the stated learner objectives.

(8)(6) "Orientation – Standard Agency Operation" is the means by which respiratory care professionals are introduced to the philosophy, goals, policies, procedures, role expectations, physical facilities and special services in a specific work setting. Orientation does not meet the continuing education requirement for the purpose of these rules.

(9)(7) "Participation" means sharing in the learning experience in order to achieve the stated learner objectives.

Specific Authority 468.353(1) 468.361(2) FS. Law Implemented 468.361 FS. History—New 4-29-85, Formerly 21M-38.02, Amended 9-29-86, Formerly 21M-38.002, 61F6-38.002, 59R-75.002, 64B8-75.002, Amended _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:
64E-2.008 Emergency Medical Technician
64E-2.009 Paramedic

PURPOSE AND EFFECT: Emergency Medical Technician/Paramedic Recertification Application has been revised to facilitate online renewals. Currently, there are approximately 50,000 certified Emergency Medical Technicians and Paramedics (please note: some may have dual certifications). They are required to renew their certifications on a biennial basis. Online renewals will streamline the renewal process and allow these individuals to obtain their renewal in a more efficient manner.

SUBJECT AREA TO BE ADDRESSED: Emergency Medical Technician and Paramedic Recertification Application.

SPECIFIC AUTHORITY: 381.0011, 381.0034, 381.0035, 401.23, 401.27, 401.35 FS.

LAW IMPLEMENTED: 381.001, 401.23, 401.27, 401.34, 401.41, 401.35, 401.411, 401.414 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lisa M. Walker, Government Analyst, Bureau of Emergency Medical Services, Department of Health, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2733; email lisa_walker2@doh.state.fl.us; Fax (850)488-4802

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

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: RULE TITLE:
64E-2.022 Apportionment of Trauma Centers within a Trauma Service Area (TSA)

PURPOSE AND EFFECT: To revise the number of trauma centers in each trauma service area (TSA) to the maximum number set forth in the TSA table rather than the minimum, and to reduce trauma service area 18, Broward County from 4 to 3 trauma centers.

SUBJECT AREA TO BE ADDRESSED: Apportionment of Trauma Centers.

SPECIFIC AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.401, 395.4015, 395.402, 395.405 FS.

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

DATE AND TIME: Friday, September 29, 2006, 1:30 p.m. – 3:30 p.m. EDT

PLACE: Betty Easley Conference Center, Room 180, 4075 Esplande Way, Tallahassee, FL 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.022 Apportionment of Trauma Centers within a Trauma Service Area (TSA).

- (1) No change.
- (2) The number of trauma centers in each TSA shall be in accordance with the maximum ~~minimum~~ number set forth in the table below. Each trauma service area shall have at least one Level I or Level II trauma center position.

(3) The number of trauma center positions for each TSA is as follows:

TSA	Counties	Trauma Centers
1	Escambia; Okaloosa; Santa Rosa; Walton	2
2	Bay; Gulf; Holmes; Washington	1
3	Calhoun; Franklin; Gadsden; Jackson; Jefferson; Leon; Liberty; Madison; Taylor; Wakulla	1
4	Alachua; Bradford; Columbia; Dixie; Gilchrist; Hamilton; Lafayette; Levy; Putnam; Suwannee; Union	2
5	Baker; Clay; Duval; Nassau; St. Johns	2
6	Citrus; Hernando; Marion	1
7	Flagler; Volusia	2
8	Lake; Orange; Osceola; Seminole; Sumter	3
9	Pasco; Pinellas	3
10	Hillsborough	2
11	Hardee; Highlands; Polk	3
12	Brevard; Indian River	2
13	Desoto; Manatee; Sarasota	3
14	Martin; Okeechobee; St. Lucie	1
15	Charlotte; Glades; Hendry; Lee	2
16	Palm Beach	2
17	Collier	1
18	Broward	3 4
19	Dade; Monroe	6
	TOTAL	42 43

(4) No change.

Specific Authority 395.405 FS. Law Implemented 395.401, 395.4015, 395.402, 395.405 FS. History--New 12-10-92, Formerly 10D-66.1075, Amended 6-9-05, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.040
 RULE TITLE: Funding for Verified Trauma Centers
 PURPOSE AND EFFECT: To revise the method of determining funding allocations for distribution to Florida's trauma centers in accordance with the legislative directives included in House Bill 7141, which passed in the 2006 Legislative Session.
 SUBJECT AREA TO BE ADDRESSED: Trauma Center Funding Allocation.
 SPECIFIC AUTHORITY: 395.4036 FS.
 LAW IMPLEMENTED: HB 7141.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Friday, October 6, 2006, 10:00 a.m. EDT
 PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan McDevitt, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, Florida 32399-1738, (850)245-4440, ext. 2760; Email: susan_mcdevitt@doh.state.fl.us; Fax: (850)488-2512

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.040 Funding for Verified Trauma Centers.

(1) No change.

(a) through (b) No change.

(c) "Caseload volume", "trauma caseload volume", and "volume of trauma cases" – all mean the number of verified trauma patients served by a trauma center during a calendar year, after 2004, on whom data timely supplied by the trauma center to the trauma registry satisfies the Florida Trauma Registry Manual, December 2005, reporting requirements for determining trauma caseload volume (see page 5 of the manual). ~~Solely for calendar years 2004 and 2005, this definition shall be the number of patients served by a trauma center during the respective calendar year on which data was supplied timely by the trauma center consistent with the Florida Trauma Registry Manual, December 2004.~~

(d) "International Classification Injury Severity Score" (ICISS) means a mathematical system of risk stratification based on anatomic diagnosis of trauma patients as initially defined and validated in the following reference: "Local funding contribution" – means local municipal, county or tax district funding, public or private and public foundation funding and service district organization funding received by a hospital or healthcare system that operates a trauma center.

(e) "Weighted ISS volume" – means (The number of patients in the caseload volume for the previous calendar year with an ISS score of 14 and below) + (3 x the number of patients in the caseload volume for the previous calendar year with an ISS score of 15 and above).

(e) "Severe Injury Patient" – Through December 31, 2007, means a verified patient with a computed ICISS Ps < .90 and, after December 31, 2007, means a verified trauma patient with computed ICISS Ps < .85.

(f) “Verified Trauma Patient” means a patient treated at a state certified trauma center with at least one ICD-9-CM discharge diagnosis between 800 and 959.9 with a Survival Risk Ratio (SRR) < 1 whose data is used by the trauma registry to determine caseload volume. SRR’s for each diagnosis code will be determined from analysis of data in the trauma registry by the Department consistent with ICISS and shall be published by the Department.

(g) “Year” means the most recent complete calendar year for which caseload volume is available from the trauma registry.

(2) Funds collected under Sections 318.14(5) and 318.18(15)(14), F.S., and deposited into the department’s administrative trust fund shall be distributed quarterly to the certified trauma centers, during the subsequent first calendar quarter and during the subsequent third calendar quarter as follows:

(a) ~~First quarter distribution shall be calculated, consistent with paragraphs (d) and (e) below, using timely submitted caseload volume data from the year preceding the previous calendar year.~~

(b) ~~Third quarter distribution shall be calculated, consistent with paragraphs (d) and (e) below, using timely submitted caseload volume data for the previous calendar year.~~

(b)(e) All distribution shall be consistent with subsection (2) or upon resolution of all relevant administrative and judicial challenges, whichever is later.

(c)(d) Funds collected under Section 318.14(5), F.S., and deposited into the department’s administrative trust fund shall be distributed to the trauma center as follows: $[(.5 \times \text{funds}) / \text{Current total number of trauma centers}] + [(.5 \times \text{funds}) \times (\text{Caseload volume for the trauma center for the previous calendar year} / \text{The sum of caseload volume for all trauma centers during the previous calendar year})]$.

(d)(e) Funds collected under Section 318.18(15)(14), F.S., and deposited into the department’s administrative trust fund under Section 395.4095(1), F.S., shall be distributed as follows:

1. To each trauma center in a region receiving a local funding contribution as of December 31 of the previous year: $(.2 \times \text{funds}) \times (\text{Caseload volume for the trauma center for the previous calendar year} / \text{The sum of caseload volume for the previous calendar year for all trauma centers receiving funding under subparagraph (2)(e)1. of this rule})$.

2. To each trauma center: $\{(.4 \times \text{funds}) \times (\text{Caseload volume of the trauma center during the previous calendar year} / \text{The sum of caseload volume for all trauma centers during the previous calendar year})\}$.

3. To each trauma center: $\{.4 \times \text{funds}\} \times (\text{The total number of severe injury patients served by the trauma center for the year} \times \text{trauma center’s weighted ISS volume} / \text{The total number of all severe injury patients served by the trauma centers for the year} \times \text{sum of all trauma centers’ weighted ISS volume})\}$.

Specific Authority 395.4036 FS. Law Implemented 395.4036 FS. History—New 4-25-06, Amended _____.

FISH AND WILDLIFE CONSERVATION COMMISSION

Division of Habitat and Species Conservation

RULE CHAPTER NO.: RULE CHAPTER TITLE:

68E-1 Marine Turtle Permits

PURPOSE AND EFFECT: The proposed rule amendment clearly outlines the procedures by which an interested party can apply for a Marine Turtle Permit, the basis for FWC to issue these permits, and provides concise, transparent criteria for permit approval.

SUBJECT AREA TO BE ADDRESSED: Marine Turtle Permits.

SPECIFIC AUTHORITY: 370.10(2), 370.12(1)(d)3. FS.

LAW IMPLEMENTED: 370.10(2), 370.12(1)(d)3. FS.

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

DATE AND TIME: October 4, 2006, 1:30 p.m.

PLACE: Auditorium, Room # 272, Ferris Bryant Building, 620 South Meridian Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Dr. Robbin Trindell at (850)922-4330 or robbin.trindell@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dr. Robbin Trindell, MS#6A, FWC, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)922-4330 (robbin.trindell@myfwc.com)

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-176.013
 RULE TITLE: Notification of Insured’s Rights and Standard Disclosure Form; Personal Injury Protection Benefits

PURPOSE AND EFFECT: To adopt revisions to Form OIR-B1-1149.

SUBJECT AREA TO BE ADDRESSED: Addition of Notice regarding rewards for reporting fraud or billing errors and the violations involved in solicitation to the notification of insured’s rights under no-fault.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 FS.

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

DATE AND TIME: October 5, 2006, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: michael.milnes@fldfs.com

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

**Section II
 Proposed Rules**

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.: 6A-3.006
 RULE TITLES: Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts

6A-3.0121
 Responsibility of School District and Parents or Guardians for Students Who Are Transported at Public Expense

6A-3.0141
 Employment of School Bus Operators

6A-3.016
 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation

6A-3.0171
 Responsibilities of School Districts for Student Transportation

6A-3.0291
 Specifications for New School Buses

6A-3.037
 Alternate Engine Fuels for School Buses

PURPOSE AND EFFECT: The purpose is to implement Florida’s statutory requirements for safe and efficient transportation of Florida public school students by county school districts and charter schools. The effect will be rules which meet current public expectations and the higher benchmarks set by student transportation providers for the safety of students.

SUMMARY: The proposed revisions to the rules listed above include the following changes: deletion of unnecessary and obsolete provisions relating to the state volume purchasing program for school buses; updated provisions relating to statutorily mandated program for bidding of school buses, drug and alcohol testing services, and purchase of other commodities and services that may be needed by school districts; removal of provisions specifying distinctions for transportation of students with special needs that may be inconsistent with federal law; specifying school district responsibilities to inform parents regarding the safety of students while in transit to and from school and to and from bus stops; updating requirements for school bus operators relating to new, statutorily required commercial driver license school bus endorsement; removal of references to specific paper-based forms for systems in which reports to the Department of Education have been automated; requiring school board policies prohibiting use of cell phones by school bus operators while driving and prohibiting unnecessary idling while in the vicinity of students; requiring that school bus operators driving on field or activity trips instruct all passengers regarding locations and proper use of emergency exits; require that school bus operators check their buses after each trip to ensure that no students are left on board; and update requirements for school buses powered by alternative fuels to allow for newer technologies, such as hybrid diesel-electric power.

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

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

SPECIFIC AUTHORITY: 1006.21-.27, 1012.45 FS.

LAW IMPLEMENTED: 1006.21-.27, 1012.45 FS.

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

DATE AND TIME: October 17, 2006, 9:00 a.m.

PLACE: Jacksonville, Florida (For exact location please contact Lynn Abbott at (850)245-9661

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Charlie Hood, Director, Office of School Transportation, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-9924

THE FULL TEXT OF THE PROPOSED RULES IS:

6A-3.006 Pool Purchase Plan for Purchase of Equipment and Contractual Needs; Department of Management Services, Division of Purchasing Authorized to Negotiate Contracts.

(1) The Deputy Commissioner for Finance and Operations or designee is authorized and directed to coordinate volume purchasing a pool plan for the purchase of transportation equipment as provided by Section 1006.27, 229.79; Florida Statutes. This purchasing plan shall include conducting and administering bids for new school buses, coordinating purchasing of drug and alcohol testing services, and purchasing of other commodities and services as needed. The Department may award bids as either low bid awards or as multiple supplier awards. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. Commitments to purchase school buses, equipment, supplies and contractual needs through a pool shall be solicited from school boards and such commitments, when included in the pool, shall become an obligation of the school board to buy.

(2) ~~Form ESE 232, Pool Purchase Commitment for School Buses is incorporated by reference in this rule to become effective August, 1986. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.~~

(3) ~~The Deputy Commissioner for Finance and Operations or authorized representative shall request bids for equipment by number and size on the basis of the commitments submitted in subsection (1) above; provided, that should it appear, in the judgment of the Deputy Commissioner for Finance and Operations after a review of the overall competitive situation, that the interest of the districts would best be served by negotiation, the Deputy Commissioner for Finance and Operations may request the Department of Management~~

~~Services, Division of Purchasing to negotiate with the industry to establish a price or prices under Chapter 287, Florida Statutes. Special equipment not included in the bid specifications but approved by the Deputy Commissioner for Finance and Operations shall be listed and priced separately. The Deputy Commissioner for Finance and Operations or authorized representative shall be present at each bid opening. Invitations for bids on chassis or bodies should be sent to representatives of each chassis and body manufacturer whose products have been certified to the Deputy Commissioner for Finance and Operations as meeting the specifications of the State Board. The invitation and bid shall be separate for body and chassis unless authorized by the Deputy Commissioner for Finance and Operations.~~

(2)(4) If requested by the Deputy Commissioner for Finance and Operations, each dealer submitting bids under a pool plan shall enclose a certified check, bank money order, cashier's check, or performance bond as a good faith deposit in an amount in keeping with the minimum order, drawn in favor of the State of Florida and the purchasing school districts. The good faith deposit of the successful bidder shall be held until the terms of the purchase contract have been met. The good faith deposit shall be forfeited in full or in part if the contract is not fulfilled, provided that the State Board shall have the right to grant an extension of time if the reason for not meeting the terms of the contract is beyond the control of the successful bidder and to alter the terms of the contract before the deposit is forfeited and deposited as required by law.

(5) ~~The low bid on the complete unit shall be the f.o.b. factory cost of the chassis, plus freight to the body plant, plus f.o.b. factory cost of body, plus cost of approved chassis and body options committed for purchase, plus cost of delivery to destination.~~

(6) ~~Purchase awards for school buses shall be made upon the basis of two (2) or more bona fide bids.~~

(3)(7) The period covered by the contract or contracts shall be for such duration and may be renewable as may be determined by the Deputy Commissioner for Finance and Operations Commissioner as is consistent with needs, availability of materials, and production schedules, and shall provide that ~~within a reasonable period~~ the equipment shall be made available to other school boards and state agencies in compliance with the provisions of Section 1006.27 and Chapter 287, Florida Statutes.

(8) ~~Ceiling prices, when established by the Department of Management Services, Division of Purchasing for transportation equipment may be adjusted by the Division of Purchasing based upon studies of its executive director or on data presented by the Commissioner showing that the competitive situation warrants an adjustment in prices.~~

(4)(9) Upon acceptance of the pool purchase bid or establishment of a price by negotiation, ~~Each participating district and other authorized purchasers shall issue a purchase~~

order or orders for the equipment as a commitment to purchase, which it committed to the pool; provided the quantity of such orders may be increased by the school board.

~~(10) The Deputy Commissioner for Finance and Operations shall review and approve purchase orders issued by the respective school boards and all other authorized purchasers of buses from the pool purchase bid for transmittal to the contractors.~~

~~(5)(11)~~ A contract for the purchase of school bus chassis, bodies, or equipment may be made upon the basis of bids received by the school board when the price quoted does not exceed the comparable ceiling price established by the most recent state volume purchasing pool purchase plan or bids accepted by the Deputy Commissioner for Finance and Operations. In any case, where there is question as to whether ceiling prices are exceeded, the bids shall be forwarded to the Deputy Commissioner for Finance and Operations for review and approval before awarding a contract. In all such cases, the Deputy Commissioner for Finance and Operations, before approval is given, shall review bids and specifications to determine if laws and rules have been complied with.

~~(12) The Deputy Commissioner for Finance and Operations shall furnish periodic information, showing the lowest prices received, to school boards for guidance in making awards.~~

~~(6)(13)~~ The Deputy Commissioner for Finance and Operations, upon approval of the Office of Planning and Budgeting in the Executive Office of the Governor, may serve as agent in clearance of volume pool purchases in the event companies submitting successful bids will not accept purchase orders and warrants for payment of invoices issued by school boards.

Specific Authority 1001.03, 1002.42, 1006.27, 1011.14 FS. Law Implemented 1002.42, 1006.27, 1011.14 FS. History—Amended 3-26-66, Repromulgated 12-5-74, Amended 7-10-85, Formerly 6A-3.06, Amended 8-19-86, 11-15-94, 4-18-96, _____.

6A-3.0121 Responsibility of School District and Parents or Guardians for Students with Special Transportation Needs Who are Transported at Public Expense.

(1) The school district shall determine what safety measures shall be used in the transportation of students with special transportation needs, as defined in Sections 236.083(1)(b), (c), and (f), Florida Statutes, including the method of securement or positioning of the student. Such safety measures shall include the designation of routes roads, bus turning areas, and student stop locations which shall not be left to the discretion of the bus operator driver or the parents or guardians of the students. The district shall provide belt cutters meeting Florida School Bus Specifications on any school bus equipped with passenger securement or restraint straps. The district shall determine the method of securement or positioning of students with special needs.

(2) The school district shall exercise additional specific powers and responsibilities as follows:

(a)(2) The district shall provide bus operators drivers and attendants instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

(b) The district shall instruct bus operators, and attendants if used, in their responsibilities for students who are transported at public expense as follow:

(3) School transportation shall not be provided for students with special transportation needs when parents of such students fail to assume their responsibilities as defined by district policy which shall address appropriate supervision at the bus stop.

(4) Responsibility of the school bus driver and attendants, if used, for students with special transportation needs who are transported at public expense:

1.(a) The operator driver or attendant of a bus transporting students with special transportation needs shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.

2.(b) In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator driver shall not assume responsibility for such assistance except in an emergency which threatens the safety of such student or students.

3.(c) The operator driver and attendant shall be provided training related to students with special transportation needs while being transported; however, the operator driver and attendant shall not give medicine and shall limit his other assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan.

(c) The district shall inform parents, guardians, and students at least annually in writing of their responsibilities and related district policies as follow:

1. To ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the school district, including during each trip to and from home and the assigned bus stop when the school district provides bus transportation.

2. To ensure that students ride only in their assigned school buses and get off only at assigned bus stops, except when the district has approved alternative buses or arrangements.

3. To ensure students are aware of and follow the district's adopted code of student conduct while the students are at school bus stops and to provide necessary supervision during times when the bus is not present.

4. To ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the

necessary assistance to help the student get on and off at the bus stop, as required by district policy or the student's individual educational plan.

~~(5) Responsibilities of parents of students with special transportation needs transported at public expense:~~

~~(a) Parents shall provide the necessary assistance and protection for their children while enroute to and from the school bus stop and comply with the school bus schedule. Parents shall provide the necessary supervision of such child at the bus stop in accordance with district policy.~~

~~(b) In cases where the physical impairment of a student renders the student unable to get on and off the bus without assistance, parents shall provide the necessary assistance for helping their student get on and off at the bus stop if required by district policy.~~

~~(3)(6) Knowledge, skills and abilities related to student management techniques and characteristics of the students with special transportation needs shall be considered when selecting or assigning operators drivers and attendants for routes serving the students.~~

Specific Authority 1001.02 FS. Law Implemented 1001.02, 1001.42(4)(l), 1003.21(1)(e), 1006.21 FS. History--New 3-26-66, Amended 9-17-72, Repromulgated 12-5-74, Formerly 6A-3.121, Amended 11-15-94,_____.

6A-3.0141 Employment of School Bus Operators Drivers.

(1) School bus operators drivers are defined as any persons employed or contracted to the school district to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, Florida Statutes.

(2) At the time of initial employment the school board shall assure that the operator driver of a school bus meets the following requirements:

(a) Has five (5) years of licensed driving experience.

(b) Has submitted to the superintendent a written application for employment in a form prescribed by the school board.

(c) Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.

(3) Form ESE 479, Physical Examination for School Bus Operator Driver and Medical Examiners Certificate is hereby incorporated by reference and made a part of this rule to become effective November 2006 June 2003. This form may be obtained from the Director Administrator of the School Transportation Management Section or the Bureau of Education Information and Accountability Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(4) Prior to transporting students on a school bus each operator driver shall meet the following requirements:

(a) Hold a valid commercial driver license with a passenger endorsement and a school bus endorsement.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department's Basic School Bus Operator Driver Curriculum which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) Demonstrate the ability to prepare required written reports.

(d) Be physically capable of operating the vehicle as determined by physical examination, Form ESE 479, prescribed by the Commissioner and given by a physician designated by the school board and as determined by a dexterity test administered by the school district.

(e) Demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus operator driver.

(5) A certification of training provided by the Commissioner shall be issued by the district to each operator driver successfully completing the forty (40) hours of preservice training.

(6) Each district school board shall obtain a driver's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator driver, substitute operator driver, or any other individual certified to drive a school bus by the district. The schedule for reviewing these records shall be:

(a) Prior to initial employment;

(b) Prior to the first day of the fall semester.

(c) Thereafter, the district shall continuously screen operator driver records using the automated weekly updates, ensuring proper retrieval documentation for every week, ~~or~~

~~(d) In the event a continuous weekly update is not performed as described in paragraph (6)(c) of this rule, school districts will perform required driving record checks prior to the first day of each semester of the regular school year, and prior to the first day of summer school for any driver who will be transporting students during summer school.~~

(7) Driver history records shall be requested in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's data base. All school districts shall obtain and review records for school bus operators drivers using the automated data base system. For any operator driver licensed in another state, the district shall obtain and review the driver's history record from the appropriate state.

(8) Each school district shall establish a school board policy that specifies which infractions of the traffic code deem an applicant unqualified for hire and which causes any

employee to be subject to a prescribed follow-up action. At a minimum, this policy shall state that any district school bus operator or contracted operator employee who should have known that his or her license has expired or has been suspended or revoked shall be subject to prescribed disciplinary measures up to and including knowingly operates a school bus with a suspended or revoked license shall be subject to dismissal by the school board.

(9) At least annually, the school district shall assure that the operator driver of a school bus meets the following requirements:

(a) The requirements of paragraph (4)(a) of this rule.

(b) Successfully complete a minimum of eight (8) hours of inservice training related to the operator's driver's responsibilities for transporting students.

(c) Successfully pass a dexterity test administered by the school district and maintain a valid Medical Examiners Certificate.

(10) At the time of reemployment, the school board shall assure that each school bus operator driver meets all of the requirements of subsections (2) and (3) and paragraph (4)(a) of this rule. If not more than a twelve continuous calendar month break in service has occurred, a operator driver shall be required to complete eight (8) hours of inservice training related to their responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the operator driver shall be required to successfully complete all of the requirements of subsections (2) through (5) of this rule.

(11) All school bus operators drivers, including those drivers employed by school districts with fifty (50) or fewer covered employees under the authority provided in this rule, shall be subject to the Federal requirements of 49 C.F.R., Parts 382 and 391 related to the substance abuse testing and alcohol detection program.

Specific Authority 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), 322.03(1), (3), 1006.22, 1012.32(2)(a), 1012.45 FS. History--New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03,_____.

6A-3.016 Responsibilities of Deputy Commissioner for Finance and Operations for Student Transportation.

It shall be the duty of the Deputy Commissioner for Finance and Operations, acting under rules and regulations of the State Board and with the assistance of the professional staff of the Deputy Commissioner for Finance and Operations, to exercise all powers and to perform all duties related to the responsibilities listed below:

(1) through (8) No change.

(9) Transportation records, reports, and accounting.

(a) No change.

~~(b) Form ESE 420, Additions to School Bus Inventory is hereby incorporated by reference and made a part of this rule to become effective November 1994. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Division of Public Schools, Department of Education, The Florida Education Center, Tallahassee, Florida 32399. On or before January 1, 1995, All school districts shall report school bus inventories inventory additions using the Department's Automated School Bus Inventory System utilizing the Department's data base.~~

(c) No change.

(10) No change.

Specific Authority 1001.02, 1006.21, 1006.22 FS. Law Implemented 1001.02, 1006.21, 1006.22 FS. History--Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Formerly 6A-3.16, Amended 11-15-94, _____.

6A-3.0171 Responsibilities of School Districts for Student Transportation.

Each school district shall exercise specific powers and responsibilities, as follows:

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

(c) To recommend in writing to the school board for employment qualified bus operators drivers, attendants and mechanics as may be necessary for efficient functioning of the service.

(d) To develop safety regulations and promote proper safety practices for all operators drivers.

(e) through (h) No change.

(i) To recommend a medical examiner or medical examiners to give physical examinations to bus operators drivers and to ascertain and ensure that all examinations are carried out as required. A medical examiner shall be defined as a medical physician or physician assistant licensed pursuant to Chapter 458, Florida Statutes; an osteopathic physician or physician assistant pursuant to Chapter 459, Florida Statutes, a chiropractic physician licensed pursuant to Chapter 460, Florida Statutes; and an Advanced Registered Nurse Practitioner licensed pursuant to Chapter 464, Florida Statutes.

(2) through (d) No change.

(e) To adopt, after considering recommendations of the superintendent, a school board policy prohibiting the use of a cellular telephone by any school bus operator while actively driving the bus.

(f) To adopt after considering recommendations of the superintendent, a school board policy that prohibits unnecessary idling of school buses while they are in the vicinity of students.

(g)(e) To adopt, after considering recommendations of the superintendent statements of policy in harmony with law and with rules of the State Board necessary for maintaining the requirements of adequate transportation. Such policies shall

include at least the following responsibilities of the director or supervisor of transportation, the school principal or other designated staff and the bus operator ~~drivers~~ for uniform school bus operating procedures:

1. Responsibilities of the director or supervisor of transportation:

a. To counsel with school bus operators ~~drivers~~ regarding safety and efficiency of service to schools and to make recommendations to them for improvement in service.

b. To confer with the superintendent or the superintendent's designee regarding bus operators ~~driver~~ and to recommend such personnel for employment.

c. To instruct school bus operators ~~drivers~~ in procedures to be followed in conducting school bus emergency evacuation drills and to confer with each school principal regarding scheduling, conducting and documenting school bus evacuation drills. These procedures shall include a requirement that all operators of school buses transporting students, teachers, or chaperones on field and activity trips instruct all passengers in the locations and proper use of school bus emergency exits prior to each such trip.

d. To counsel with bus operators ~~drivers~~ regarding operator ~~driver~~ responsibility and authority.

2. through 2.f. No change.

3. Responsibilities of the school bus operator ~~driver~~:

a. To pass all required physical examinations and meet such requirements as may be prescribed by law or rules.

b. To be clean and neat in appearance, and to refrain from wearing shoes which are not securely held on the foot.

c. To refrain from use of tobacco while operating the bus, and to use no profane language in the presence of the students. Operators ~~Drivers~~ shall not use or be under the influence of alcohol, illicit drugs, or any substance which may impair the operator's ~~driver's~~ alertness or performance while on duty. Operators ~~Drivers~~ shall not carry firearms while on school board property.

d. To prescribe, in cooperation with the principals, the seating arrangements of students on all buses.

e. To report needed changes in school bus transportation to the director or supervisor of transportation including bus loads, bus deficiencies, road hazards, routes and schedules.

f. To study and observe all laws and rules of the State Board and the school board relating to the service of transportation.

g. To attend and participate in conferences and training classes for school bus operators ~~drivers~~ and to be prepared at any time to pass successfully a reasonable examination concerning traffic laws, state and local transportation rules and driving skills.

h. To ascertain and ensure that transported students observe all rules prescribed by law and by the state and local board.

i. To maintain order and discipline, under the direction of the school principal, on the part of every passenger.

j. To permit a student to leave the bus only at their assigned stop, except upon written authorization of the school principal or other district designee.

k. To observe all procedures incorporated in the Florida Department of Education Basic School Bus Operator's ~~Driver's~~ Curriculum, as incorporated by reference in paragraph 6A-3.0141(4)(b), F.A.C.

l. through s. No change.

t. To inspect the bus at least daily prior to the beginning of the first daily trip or more often as required by the school district and to report any defect affecting safety or economy of operation immediately to authorized service personnel. The inspection shall include all items identified in the procedures related to the mandatory daily inspection in the Basic School Bus Operator ~~Driver~~ Curriculum.

u. through y. No change.

[1] Misconduct on the part of any student while on bus or under the operator's ~~driver's~~ immediate supervision,

[2] Complaints requiring attention of school authorities,

[3] Any hazards arising which would offer either an actual or a potential threat to the safety of students in the operator's ~~driver's~~ care,

[4] Causes for failure to maintain school bus time schedule, and

[5] Overloaded conditions on the bus which exceed the rated capacity of the bus.

z. To perform a complete interior inspection of each bus after each run and trip to ensure no students are left on board.

~~aa.z.~~ To maintain as far as practicable by patient and considerate treatment of parents a feeling of security in the safety of students transported.

(3) Transportation personnel.

(a) To employ such assistants as may be recommended by the superintendent and as are necessary in the judgment of the board to supervise operation and maintenance of school buses and to provide records and maps for a continuous study of transportation routes and needs within the district.

(b) To employ or contract only for services of school bus operators ~~drivers~~ who meet the requirements of Rule 6A-3.0141, F.A.C., and who possess a valid Medical Examiner's Certificate.

(c) To officially maintain, after considering recommendations of the superintendent, an approved, current list of properly licensed physicians or medical facilities staffed by licensed physicians other than members of the school board or superintendent, eligible to examine all school bus operators ~~drivers~~ and operator ~~driver~~ applicants, in accordance with Form ESE 479, Physical Examination for School Bus Operator ~~Drivers~~ and Medical Examiners Certificate, and School Bus

Driver Physical Standards: Medical Regulatory Criteria for Physical Examinations, as adopted by reference in Rule 6A-3.0151, F.A.C.

(4) through (8) No change.

(9) Transportation records, reports and accounting.

(a) To ascertain and ensure that all prescribed records are kept and reports made which are required by law, rules or the Commissioner.

(b) To assure that all records and reports prescribed by the Commissioner are properly completed and are furnished on the dates due to those designated to receive them.

1. To file with the Deputy Commissioner for Finance and Operations school bus accident reports using the Department's Automated School Bus Accident Reporting System. Districts shall complete a report on any school bus accident meeting the reporting requirements of the automated system, after each accident in which a school bus or a transported student is involved or in which total damages to property exceeds five hundred (500) dollars a report on Form ESE 256, School Bus Accident Report Form which is hereby incorporated by reference in this rule to become effective April 1996. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, The Florida Education Center, Tallahassee, Florida 32399.

2. To file with the Deputy Commissioner for Finance and Operations the Hazardous Walking Conditions Report for Elementary Students Within 2 Miles of Assigned School using the Department's automated system, Form ESE 422, Hazardous Walking Conditions Report for K-6 Living Within 2 Miles of Assigned School which is hereby incorporated by reference and made a part of this rule to become effective April 1996. This form may be obtained from the Administrator of School Transportation Management Section or Information Services and Accountability, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399.

(c) Keep a current file of all Medical Examiner Certificates and required dexterity tests for school bus operators approved physical examination forms for bus drivers, each showing the date of examination.

(d) To maintain records of inspection of each school bus in accordance with requirements of subsection (8) of this rule.

(e) To prepare maps of routes and attendance zones and conduct and carry on such studies of transportation as shall enable the superintendent to measure progress and recommend improvements in the transportation service.

(f) To prescribe and maintain, upon recommendation of the superintendent, such additional records, reports, accounts and accounting procedures as may be necessary to provide complete information regarding the transportation service.

(10) Inter-agency relationships. To cooperate with municipal, county, state, and federal agencies to promote the safety of the transportation service through correction of remediable road hazards.

~~(11) Transportation by other means than school buses including passenger cars as defined by the National Highway Traffic Safety Administration, 49 C.F.R., Part 571, and which meet all applicable Federal Motor Vehicle Safety Standards.~~

~~(a) To share the expense, in unusual cases involving a small number of students living in isolated areas, or requiring specialized transportation services, of operating a vehicle of the type commonly called a passenger car or other conveyance for transporting eight (8) students or less to a public school:~~

~~1. Agreements to share the cost of operating such conveyance shall be set forth in the minutes of the board including the amount, mileage to bus route or school, names of students and school attended.~~

~~2. The board shall not expend funds to share in the expense of operating such vehicle to provide transportation to students whose houses are within a reasonable walking distance of the assigned school or bus routes.~~

~~3. Vehicles of the type commonly called passenger cars need not meet the requirements for specifications of school buses.~~

~~(b) To make such other arrangements, after considering recommendation of the superintendent, for the transportation of isolated, physically disabled or other students with special transportation needs as may be compatible with an adequate educational opportunity for such students and an economical administration of the service.~~

~~(c) To provide for transportation of students in vehicles owned or operated by a school board, other than school buses, when necessary or practical. Such transportation shall be provided in a passenger car or in a multipurpose passenger vehicle, as defined in 49 C.F.R., Part 571. Such multipurpose passenger vehicle shall meet all of the Federal Motor Vehicle Safety Standards in 49 C.F.R., Part 571 applicable to passenger cars on the date of manufacture, except that window tinting, if equipped, shall meet requirements applicable to multipurpose passenger vehicles.~~

Specific Authority 1003.31, 1006.21, 1006.22 FS. Law Implemented 316.183(3), 316.189, 1003.31, 1006.21(3), 1006.22 FS. History—Amended 9-4-64, 3-25-66, 1-17-72, Revised 7-20-74, Repromulgated 12-5-74, Amended 11-24-76, 10-1-81, Formerly 6A-3.17, Amended 9-30-87, 6-26-89, 11-15-94, 8-28-95, 4-18-96, Formerly 6-3.017, Amended 6-11-00, Formerly 6-3.017, Amended 4-21-03, _____.

6A-3.0291 Specifications for New School Buses.

(1) School buses purchased each year shall conform to current National School Transportation Specifications and Procedures of the National Conference on School Transportation, current Federal Motor Vehicle Safety Standards and to specifications prescribed by the State Board for body, chassis and special equipment as provided in Section

1006.25, Florida Statutes. Each school bus as defined by Section 1006.25(1), Florida Statutes, shall meet the requirements of the Florida School Bus Specifications applicable for the year the bus was manufactured or the previous year if specifications were not revised and approved for a given year. Specifications shall incorporate the specific standards as approved by the State Board prior to and including the following years: 1965, 1966, 1968, 1969, 1970, 1971, 1972, 1973, 1974, 1975, 1976, 1977, 1978, 1979, 1980, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1992, 1993, 1995, 2000, 2002, ~~and 2004,~~ and 2006 revised. Copies of the above specifications are on file and available from the School Transportation Management Section, Florida Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399. Specifications may vary for different sizes and types of buses to meet specific needs and conditions. Bid forms prepared under the direction of the Commissioner shall incorporate basic specifications and equipment.

(2) Any school district may, at its option, upgrade any school bus or buses with equipment meeting specifications which are current at the time of the upgrade.

(3) The Chief Financial Officer may approve special equipment differing from or not prescribed in Florida School Bus Specifications for the specific purpose of limited pilot testing to determine if such equipment provides substantive improvements in safety or cost effectiveness. Pilot testing of equipment shall not be approved until the Chief Financial Officer has determined to the extent practical that the equipment will not compromise safety.

Specific Authority 1006.25 FS. Law Implemented 1006.22, 1006.25 FS. History—Amended 9-17-72, 7-20-74, Repromulgated 12-5-74, Amended 11-10-83, 3-28-84, 10-8-84, 10-8-85, Formerly 6A-3.29, Amended 8-19-86, 9-30-87, 10-4-88, 12-11-89, 12-18-90, 11-10-92, 9-5-93, 11-15-94, 10-18-95, Formerly 6A-3.029, Amended 6-11-00, Amended 4-21-03, 2-22-05, _____.

Cf. Florida School Bus Specifications Revised, January 1965; Florida School Bus Specifications Revised, Chassis – 1966; Body – 1966; Florida School Bus Specifications Revised, January 1966; Florida School Bus Specifications Revised, 1968; Florida School Bus Specifications Revised, 1969; Florida School Bus Specifications Revised, 1970; Florida School Bus Specifications Revised, 1971; Florida School Bus Specifications Revised, 1972; Florida School Bus Specifications Revised, 1973; Florida School Bus Specifications Revised, November 1974; Florida School Bus Specifications Revised, January 1975; Florida School Bus Specifications Revised, Chassis – October 1976; Body – October 1976, No Type A; No Exceptional Child; Florida School Bus Specifications Revised, Body, Chassis, Type A, and Exceptional Child, March 1977; Florida School Bus Specifications Revised, Revised, 1978; Florida School Bus Specifications, Amended, 1979; Florida School Bus Specifications Revised, November 1980; Florida School Bus Specifications Revised, 1982; Florida School Bus Specifications Revised, 1983; Florida School Bus Specifications Revised, January 1984; Florida School Bus Specifications Revised, September 1984; Florida School Bus Specifications Revised, September 1985; Florida School Bus Specifications Revised, July 1986; Florida School Bus Specifications Revised, October 1987; Florida School Bus Specifications Revised,

1988; Florida School Bus Specifications Revised, 1989; Florida School Bus Specifications Revised, 1990; Florida School Bus Specifications Revised, 1992; Florida School Bus Specifications Revised, 1993; Florida School Bus Specifications Revised, 1995; Florida School Bus Specifications Revised, 2000; Florida School Bus Specifications Revised, 2002; Florida School Bus Specifications Revised, 2004; ~~Florida School Bus Specifications Revised, 2006.~~

6A-3.037 Alternate Engine Fuels for School Buses.

(1) Alternate engine fuels for school buses. School districts may use school buses equipped to operate on Compressed Natural Gas (CNG) or Liquefied Natural Gas (LNG) as an engine fuel provided the district complies with the requirements of the Florida School Bus Alternate Fuel Manual, 1992 which is hereby incorporated by reference and made a part of this rule. Copies of this manual are on file and available from the ~~Director Administrator~~ of the School Transportation Management Section, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. Districts may also use electricity as a fuel or may use hybrid diesel electric buses.

(2) Pilot projects. Alternate fueled school buses may be used on a pilot project basis not exceeding ten (10) percent of the district's school bus fleet or more than twenty (20) buses, whichever is greater. Pilot project proposals must be submitted with copies of all related documents as required within the manual to the ~~Director Administrator~~ of the School Transportation Management Section, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399 and the Department of Insurance L.P. Gas Division, for gaseous powered units, for review and approval. All pilot projects must be submitted or resubmitted for each twelve month period. All buses originally equipped, converted or repowered to run on alternate fuels shall meet Florida School Bus Specifications applicable for the year of manufacture of the vehicle, including horsepower and torque requirements otherwise applicable to diesel engines. The Department may grant variances and exceptions to Florida School Bus Specifications where necessary and prudent to further the goal of successful pilot testing of these school buses. After the completion of each alternate fuel system installation, each school bus shall be inspected in accordance with the requirements outlined in the manual prior to the use of the bus to transport school students.

Specific Authority 1006.25 FS. Law Implemented 1006.22, 1006.25 FS. History—New 10-6-92, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Charlie Hood, Director, Office of School Transportation, Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Linda Champion, Deputy Commissioner for Finance and Operations, Department of Education

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006 and September 8, 2006 (Rule 6A-3.0291)

DEPARTMENT OF TRANSPORTATION

RULE CHAPTER NO.: 14-22
 RULE CHAPTER TITLE: Contractors – Highway – Qualification to Bid

RULE NOS.: 14-22.003, 14-22.015
 RULE TITLES: Rating the Applicant Forms

PURPOSE AND EFFECT: Rule Chapter 14-22, F.A.C., is being amended to add a new section #(4) to the requirements required to be included with the Application for Qualification for Emergency Debris Removal, Form 375-020-37. The revised version of the form is incorporated by reference. The new provision being added to the form itself already is included in the Contracts Administration website as a requirement for the application.

SUMMARY: Rule Chapter 14-22, F.A.C., is being amended to incorporate a revised version of the Application for Qualification for Emergency Debris Removal form to include a requirement for written documentation regarding prior qualification. The requirement already is included in the instructions on the Contracts Administration website.

SPECIFIC AUTHORITY: 334.044(2), 337.14(1) FS.

LAW IMPLEMENTED: 120.569, 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS.

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.

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

THE FULL TEXT OF THE PROPOSED RULES IS:

- 14-22.003 Rating the Applicant.
- (1) through (2)(b)3. No change.

(3) Classification of Work.

(a) through (d) No change.

(e) For the Work Class of Emergency Debris Removal, the contractor(s) shall complete the Application for Qualification for Emergency Debris Removal, DOT Form 375-020-37, Rev. ~~0704~~/06, incorporated herein by reference. The Application for Qualification shall be accompanied by a Reviewed Financial Statement prepared in accordance with GAAP.

Specific Authority 120.53(1)(a), 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a) 1.- 3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.167 FS. History–Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(4), Amended 3-23-79, 11-10-82, 8-25-83, 1-9-84, 10-1-85, Formerly 14-22.03, Amended 12-20-89, 4-22-92, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 5-15-06,_____.

14-22.015 Forms.

The following forms are incorporated by reference as part of the rules of the Department and are available from the Contracts Administration Office, 605 Suwannee Street, Mail Station 55, Room 1-B, Tallahassee, Florida 32399-0455:

Form Number	Date	Title
375-020-32	01/06	Application for Qualification
375-020-22	05/05	Certification of Current Capacity
700-010-25	09/05	Contractor Past Performance Report
375-020-37	0704 /06	Application for Qualification for Emergency Debris Removal

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.53(1)(b), 337.14, 337.167 FS. History–New 11-10-82, Amended 8-25-83, Formerly 14-22.15, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 7-8-01, 6-27-04, 12-18-05, 5-15-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Juanita Moore, Manager, Contracts Administration Office

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Denver J. Stutler, Jr., P.E., Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 8, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-17.002
 RULE TITLE: Professional Fees and Penalties for Interior Designers

PURPOSE AND EFFECT: The Board proposes the rule amendment to specify an application fee to reinstate a void license.

SUMMARY: An application fee of \$500 to reinstate a void license will be added to the rule.

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

Any person who wishes to provide information regarding 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: 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS.

LAW IMPLEMENTED: 455.219(3), 455.2281, 481.207, 481.219 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 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-17.002 Professional Fees and Penalties for Interior Designers.

(1) through (15) No change.

(16) The application fee to reinstate a void license shall be \$500.00.

Specific Authority 455.213(2), 455.217(2), 455.219(3), 455.2281, 481.207, 481.2130, 481.229(5)(b) FS. Law Implemented 455.219(3), 455.2281, 481.207, 481.219 FS. History—New 12-21-88, Amended 5-10-89, 7-2-89, 12-24-89, 12-3-90, 2-28-91, 5-31-92, 11-11-92, Formerly 21B-17.002, Amended 9-27-93, 11-15-93, 11-21-94, 1-31-96, 10-20-96, 1-10-99, 3-15-99, 9-7-04,_____.

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: July 25, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-1.009
 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-1.009, F.A.C., to comply with Section 455.225(4), F.S.

SUMMARY: Rule 61J1-1.009, F.A.C., is revised to comply with Section 455.225(4), F.S.

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

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

SPECIFIC AUTHORITY: 455.225, 475.614 FS.

LAW IMPLEMENTED: 455.225 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-1.009 Probable Cause Panel.

(1) No change.

(2) There may be two probable cause panels of the board.

The probable cause panels shall be composed of two members which shall constitute a quorum. The members of the panel shall be appointed by the chairperson of the board. As provided in Section 455.225(4), Florida Statutes, one ~~two~~ of the panel members may be a former members of the board. Panel members shall not participate in the determination and issuance of the final order to be rendered in each disciplinary case.

Specific Authority 455.225, 475.614 FS. Law Implemented 455.225 FS. History—New 10-15-91, Formerly 21VV-1.009, Amended 8-8-93, 1-29-95, 7-2-95, 1-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-2.001 RULE TITLE: Fees

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-2.001, F.A.C., to eliminate the application fee for licensed appraisers, to establish a fee for electronic fingerprints to comply with the electronic fingerprinting requirement of Section 475.615(3), Florida Statutes and to establish fees for letters of good standing and wall certificates.

SUMMARY: Rule 61J1-2.001, F.A.C., is revised to eliminate the application fee for licensed appraisers, to establish a fee for electronic fingerprints to comply with the electronic fingerprinting requirement of Section 475.615(3), Florida Statutes, and to establish fees for letters of good standing and wall certificates.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-2.001 Fees.
- (1) The application fee shall be as follows:

Registered Trainee Appraiser	\$50.00
Licensed Appraiser	\$100.00
Certified Residential Appraiser	\$100.00
Certified General Appraiser	\$100.00
- (2) through (15) No change.
- (16) Letter of Good Standing \$25.00
- (17) Wall Certificate \$10.00

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History—New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-3.001 RULE TITLE: Application by Individuals

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-3.001, F.A.C., to implement changes to Chapter 475, Part II of the Florida Statutes.

SUMMARY: Rule 61J1-3.001, F.A.C., is amended to implement changes to Chapter 475, Part II of the Florida Statutes.

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

Any person who wishes to provide information regarding 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: 475.614 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.624 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-3.001 Application by Individuals.
- (1) An applicant for registration, or certification as an appraiser shall submit an application package which shall include, as applicable, forms DBPR RE-2000 (Application Requirements), DBPR 0010 (Master Application), DBPR RE 2010a (Appraiser Background Qualifications), DBPR 0050 (Criminal Background Disclosure), DBPR 0060 (Additional Background Disclosure), and DBPR 0030 (Attest Statement), which are incorporated herein by reference, electronic fingerprints, an application fee, and all other documentation required by this section in such a manner as provided by the Department.

(a) through (c) No change.

(2) through (4) No change.

(5) At the time of filing the application for registration, or certification, the applicant must sign a pledge to comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(q)(~~o~~), F.S., and must indicate in writing that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated.

(6) No change.

(7) An individual's application shall expire one (1) year after the date received by the Department of Business and Professional Regulation. If the applicant fails to take the examination or fails to successfully complete the examination within 1 year of the Department receiving the application, the application shall expire and a new application must be filed.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.624 FS. History—New 10-15-91, Formerly 21VV-3.001, Amended 10-29-98, 1-7-99, 2-21-02, 5-25-04, 1-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-4.001	Education Requirements
61J1-4.003	Continuing Education
61J1-4.005	Notice of Satisfactory Course Completion
61J1-4.007	Renewal of Inactive Registrations, Licenses and Certifications
61J1-4.008	Continuing Education for School Instructors
61J1-4.009	Post Licensing Education for Registered Trainee Appraisers
61J1-4.010	Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-4.001, F.A.C., to implement the changes to Section 475.617, Florida Statutes, and to remove the requirement that examinations and course materials must be submitted in a blind format.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.003, F.A.C., to remove the option of administering portions of examinations during course intervals and to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.005, F.A.C., to require institutions or schools approved to offer post and continuing education courses to electronically submit course attendance rosters in accordance with Section 455.2178(1), Florida Statutes.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.007, F.A.C., to amend the number of hours and type of education required for a licensee to renew inactive registrations, licenses, and certifications.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.008, F.A.C., to remove the 15 day grace period beyond the course expiration date to grade an examination.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.009, F.A.C., to remove the requirement that education providers submit one blind copy of course materials.

The Florida Real Estate Appraisal Board is amending Rule 61J1-4.010, F.A.C., to amend the requirements for the supervision and training of registered trainee appraisers.

SUMMARY: Rule 61J1-4.001, F.A.C., is amended to implement the changes to Section 475.617, Florida Statutes, and to remove the requirement that examinations and course materials must be submitted in a blind format.

Rule 61J1-4.003, F.A.C., is amended to remove the option of administering portions of examinations during course intervals and to remove the 15 day grace period beyond the course expiration date to grade an examination.

Rule 61J1-4.005, F.A.C. is amended to require institutions or schools approved to offer post and continuing education courses to electronically submit course attendance rosters in accordance with Section 455.2178(1), Florida Statutes.

Rule 61J1-4.007, F.A.C., is amended to amend the number of hours and type of education required for a licensee to renew inactive registrations, licenses, and certifications.

Rule 61J1-4.008, F.A.C., is amended to remove the 15 day grace period beyond the course expiration date to grade an examination.

Rule 61J1-4.009, F.A.C., is amended to remove the requirement that education providers submit one blind copy of course materials.

Rule 61J1-4.010, F.A.C., is amended to amend the requirements for the supervision and training of registered trainee appraisers.

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

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

SPECIFIC AUTHORITY: 475.614, 475.619 FS.

LAW IMPLEMENTED: 475.613, 475.615, 475.617, 475.618, 475.628, 475.6175, 475.619, 475.611, 475.6221, 475.6222 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 RULES IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-4.001 Education Requirements.

(1)(a) Persons desiring to become registered as a trainee appraiser must satisfactorily complete ~~100~~ 75 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(b) If a registration expires due to failure to renew pursuant to Rule 61J1-4.007, F.A.C., the education completed to become a registered trainee appraiser ~~original 75 classroom hours to become initially registered~~ will be invalid and may not be used to secure another registration. ~~Effective January 1, 2008, persons desiring to become registered as a trainee appraiser must satisfactorily complete 100 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include coverage of the Uniform Standards of Professional Appraisal Practice.~~

(c) No change.

(2) Persons desiring to become certified as a residential appraiser must successfully complete 120 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 120 classroom hours may include the classroom pre-license education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the applicable classroom hours of post-license education for registered trainee appraisers. ~~The 120 classroom hours may include the 75 classroom hour requirement for becoming registered or the 90 classroom hour requirement for becoming licensed as an appraiser.~~

(3) Persons desiring to become certified as a general appraiser must successfully complete 180 classroom hours, inclusive of examination, of Board approved academic courses in subjects related to real estate appraisal, which shall include the 15-hour National USPAP course or its equivalent, taught by an AQB certified USPAP instructor. The 180 classroom hours

may include the classroom pre-licensing education required to become a registered trainee appraiser, the classroom pre-license education required to become a licensed appraiser, or the 120 classroom hours requirement for becoming certified as a residential appraiser, or the applicable post-license education for registered trainee appraisers. ~~The 180 classroom hours may include the 75 classroom hour requirement for becoming registered, the 90 classroom hour requirement for becoming licensed as an appraiser, or the 120 classroom hour requirement for becoming certified as a residential appraiser.~~

(4) through (7)(g) No change.

(8) Board prescribed or approved courses and end-of-course examinations shall be offered by a nationally or state recognized appraisal organization, accredited universities, colleges, community colleges, area vocational-technical centers, state or federal agencies or commissions, or proprietary real estate schools registered pursuant to Section 475.451, F.S. A copy of the course application shall be submitted to the board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; ~~one submission must be a blind copy.~~ The Board will notify the entity within 60 days whether the course and exams meet the criteria set out in subsections (5), (6) and (7) above and subsection (9) below. Approval must be granted before the course is conducted. Institutions, entities and schools offering Board prescribed or approved appraisal educational courses are responsible for keeping the course subject matter current and accurate.

(9) No change.

(10) Satisfactory course completion is demonstrated by achieving a grade of 75% or higher on a Board approved end-of-course examination. ~~The examinations are prepared and administered by a nationally or state recognized appraisal organization, accredited university, college, community college, area vocational technical center, state or federal agency or commission, or real estate school upon completion of the classroom instruction.~~ The provider shall develop at least two forms of the end-of-course examinations and submit them for approval with a detailed course syllabus, detailed timeline and two copies of the course material ~~in a blind format containing no reference to the provider submitting the course.~~ The answer key must be unique for each form of the examination and reference the page numbers containing the information on which each question and correct answer is based. At least 70% of the questions on each examination form shall be application oriented. Application level means the ability to use the learned material in a completely new and concrete situation. It usually involves the application of rules, policies, methods, computations, laws, theories, or any other relevant and available information. No more than 10% of the questions on each form of the test shall be at the knowledge level. Knowledge level means the recall of specific fact,

patterns, methods, terms, rules, dates, formulas, names or other information that should be committed to memory. A provider offering prescribed courses must maintain a sufficient bank of questions to assure examination validity. A course that is more than 30 hours shall contain at least 100 items. A course that is 30 hours or less shall contain a minimum of 50 items. All questions shall be multiple choice with 4 answer choices each. The order of the examination questions may not follow the sequence of the course content. No examination shall contain more than 20% duplication of questions. The examination shall comply with the Item Writing Guidelines as of January 29, 2004, incorporated herein by reference. Approval of satisfactory course completion shall not be issued to any student having absences in excess of 10% of the classroom hours.

(11) through (14) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617 FS. History—New 10-15-91, Formerly 21VV-4.001, Amended 1-9-94, 3-10-98, 9-6-98, 10-10-99, 5-25-04, 5-15-05, 1-17-06,_____.

61J1-4.003 Continuing Education.

(1) All registered, licensed and certified appraisers must satisfactorily complete a minimum of 30 hours of 50 minutes each of appraiser continuing education as prescribed or approved by the Florida Real Estate Appraisal Board, without duplication of material, during each renewal period as defined in Rule 61J1-2.002, F.A.C. The 30 hours shall include the 7-hour National USPAP update course or its equivalent and shall be taught by an AQB certified USPAP instructor, without significant duplication of material, as defined in Section 475.611(1)(p), F.S. A minimum of 3 hours shall be dedicated to a review and update of the Florida Real Estate Appraisal Law and Board Rules, and provide an introduction to other state and federal laws affecting real estate appraisals. As of December 1, 2006, the minimum 30 hours of continuing education shall contain at least three (3) hours reviewing and updating the roles and rules of supervisor and trainee appraisers. A registered, licensed or certified appraiser is not required to complete the 30 hours of continuing education as a condition for initial registration, licensure or certification renewal if the time between the effective date on the initial registration, license or certificate and the beginning of the initial registration, licensure or certificate renewal is less than 6 ~~42~~ months. Registered appraisers who comply with the Post Licensure requirements and Florida laws and rule update, as set forth in Rule 61J1-4.009, F.A.C., are not required to complete any additional continuing education for that renewal cycle.

(2) through (3) No change.

(a) A copy of the course application and all course materials shall be submitted to the Board for evaluation at least 90 days prior to use. The Board will issue a status report to the course provider within 60 days after submission of the course.

Approval must be granted before the course and examinations, if required, may be offered. It is the responsibility of the institution, school, or entity offering the Board approved courses to keep the course materials current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(b) through (4)(a) No change.

(b) A copy of the distance education course materials and a copy of each form of the course examination that will be administered to students shall be submitted to the Board for evaluation and approval at least 90 days prior to use. A minimum of 2 course examinations for each course shall be submitted for approval. The examination ~~must~~ may be administered at the end of the course ~~or portions of the examination may be administered to students at appropriate intervals during the course~~. The Board will issue a status report to the course provider within 60 days after submission of the course and examinations. Approval must be granted before the course and examinations may be offered. Thereafter, the course and examinations shall be maintained by each institution, school, or entity offering the distance education course(s) in accordance with the Board approved standard as subsequently modified by changing times, standards and laws. It is the responsibility of the institution, school or entity offering the Board approved distance education courses to keep the course material current and accurate, and notify the Board at least 90 days before implementing any significant changes to the course during its approval period.

(c) through (e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

(5) through (8) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.618, 475.628 FS. History—New 10-15-91, Amended 4-21-92, 6-7-92, Formerly 21VV-4.003, Amended 11-3-94, 9-5-96, 4-6-98, 9-6-98, 9-14-00, 10-22-01, 3-31-02, 5-25-04, 5-15-05, 1-8-06,_____.

61J1-4.005 Notice of Satisfactory Course Completion.

(1) No change.

(2) An application for renewal of an existing license shall contain an affirmation by the individual of having satisfactorily completed the applicable Florida Real Estate Appraisal Board prescribed, conducted or board approved course(s). Each institution or school approved to offer post and continuing education courses shall comply with Section 455.2178(1), Florida Statutes, by electronically submitting course

attendance rosters to the Department of Business and Professional Regulation. Upon request of the Board, the department shall perform random audits of at least 10% of the registrants, licensees, certificate holders and instructors to verify compliance with continuing education requirements. Each registrant, licensee, certificate holder and instructor shall retain the grade report as proof of successful completion of continuing education requirements for at least two years following the end of the renewal period for which the education is claimed. Failing to provide evidence of compliance with education requirements as prescribed in Rules 61J1-4.003, 61J1-4.007, 61J1-4.008 and 61J1-4.009, F.A.C., or the furnishing of false or misleading information regarding compliance with said requirements shall be grounds for disciplinary action against the registrant, licensee, certificate holder or instructor.

(3) through (6) No change.

Specific Authority 475.614 FS. Law Implemented 475.613, 475.615, 475.617, 475.6175, 475.618 FS. History–New 10-15-91, Formerly 21VV-4.005, Amended 7-19-95, 4-6-98, 3-31-02, 11-14-04, 5-31-05, 1-8-06,_____.

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

(1) through (4) No change.

(5) When the inactive status is more than one (1) year but does not exceed two (2) years, the continuing education for all appraiser categories is as follows: thirty (30) hours of approved pre-certification education with end of course exam applicable to the licensee’s licensure category and thirty (30) hours of appraiser continuing education (ACE). When the inactive status is more than 1 year but does not exceed 2 years, the educational requirements are as follows:

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

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

(6) When the inactive status is more than 2 years but does not exceed the 4 year period, the educational requirements are as follows:

(a) Registered trainee and licensed appraisers – 100 75 hours of ABI with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; and registered trainee appraisers must comply with the approved post-licensure education requirements of Rule 61J1-4.009, F.A.C. however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours.

(b) Certified residential appraisers – 100 75 hours of ABI with end-of-course exam, 30 hours of ABII with end-of-course exam, and complete a current 7 hour national USPAP update course taught by an AQB certified instructor or equivalent; ~~however, effective January 1, 2008, the Appraisal Board Course I (ABI) with end of course exam shall be 100 hours and the Appraisal Board Course II (ABII) with end of course exam shall be 30 hours.~~

(c) through (8) No change.

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

61J1-4.008 Continuing Education for School Instructors.

(1) through (5)(e) No change.

(f) Continuing education courses by distance education will be approved for 24 months at which point the course will expire unless submitted to the Board and approved for renewal. Courses may not be offered or distributed after the expiration date. ~~However, a 15 day grace period beyond the expiration date will be allowed in order to grade an examination postmarked or otherwise received prior to the expiration date of the course.~~ Students must be notified of the course expiration date upon receipt of the course materials.

Specific Authority 475.614 FS. Law Implemented 475.618 FS. History–New 10-1-95, Amended 9-6-98, 11-15-99, 3-31-02, 2-16-04,_____.

61J1-4.009 Post Licensing Education for Registered Trainee Appraisers.

(1) through (3) No change.

(4) A copy of the course shall be submitted to the Board for evaluation at least 90 days prior to use. The provider must submit two complete copies of the course materials, a detailed course timeline, learning objectives and end-of-course examinations; ~~one submission must be a blind copy.~~ The provider must also submit a copy of the course in the format in which the student will use it. The course and examination, shall comply with “course approval criteria” as follows:

(a) through (9) No change.

Specific Authority 475.614 FS. Law Implemented 475.6175 FS. History–New 2-16-04, Amended 10-27-05,_____.

61J1-4.010 Supervision and Training of Registered Trainee Appraisers.

(1) through (4) No change.

(5) When supervising any aspect of the appraisal process, a supervising appraiser shall train or supervise appraisers located in:

(a) The county where the supervising appraiser’s primary business address is located and office is registered with the Department; and

(b) Any county contiguous to the county where the supervising appraiser's primary business address is located and office is registered with the Department.

(6) Appraisal logs shall be maintained by both the registered trainee appraiser and the supervisory appraiser in a format determined by the Department and shall, at a minimum, include the following for each appraisal:

- (a) Type of property;
- (b) Date of report;
- (c) Client name and address;
- (d) Address of appraised property;
- (e) Description of work performed;
- (f) Number of work hours; ~~and,~~
- ~~(g) Signature and state license/certification number of the supervising appraiser.~~

(7) Separate appraisal logs shall be maintained for each supervising appraiser and signed by each supervising appraiser.

(8) A supervisory appraiser may not be employed by a trainee or by a corporation, partnership, firm, or group in which the trainee has a controlling interest.

(9) A registered trainee appraiser may accept appraisal assignments only from his or her primary or secondary supervisory appraiser.

(10) A registered trainee appraiser may only receive compensation for appraisal services from his or her authorized certified or licensed appraiser.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New 2-16-04, Amended 3-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Florida Real Estate Appraisal Board
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: RULE TITLE:
 61J1-6.001 Experience Requirement

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is revising Rule 61J1-6.001, F.A.C. to amend the citations in the rule for implementing the changes to Section 475.611 of the Florida Statutes.

SUMMARY: Rule 61J1-6.001, F.A.C., is revised to amend the citations in the rule for implementing the changes to Section 475.611 of the Florida Statutes.

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

Any person who wishes to provide information regarding 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: 475.614, 475.615(2) FS.
 LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.626 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

- 61J1-6.001 Experience Requirement.
 - (1) through (4) No change.
 - (5)(a)1. No change.
 - 2. Certified general: Experience shall consist of a minimum of 23 Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice; or 12 nonresidential Summary or Self-Contained Appraisal Reports in a narrative format which comply with the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~q~~), Florida Statutes, and 135 non-narrative supportable and documented appraisal reports presented in a format generally acceptable to the appraisal industry.
 - (b)1. through 2.c. No change.
 - 3. Mass appraisals must be as set forth in Standard Rule 6 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~q~~), Florida Statutes.
 - 4. through (c)1. No change.
 - 2.a. Review appraisal experience may be claimed only when reviews are as set forth in Standard Rule 3 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~q~~), Florida Statutes.
 - (d)1. No change.
 - 2. Experience may be claimed only when performed as set forth in Standard Rules 4 and 5 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~q~~), Florida Statutes, as applicable.
 - (e) through (e)1. No change.
 - 2. Experience may be claimed only when the analysis/study is prepared as set forth in Standard Rules 1 and 2 of the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611(1)(~~q~~), Florida Statutes, and

the applicant can demonstrate that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process.

(6) through (7) No change.

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(~~q~~), 475.615(2), 475.617, 475.628 FS. History–New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-7.004	Office
61J1-7.0065	Signatures on Appraisal Report and Certification

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-7.004, F.A.C., to implement changes to Section 475.623, Florida Statutes and to require an appraiser to designate a primary business address if the appraiser has several registered business addresses.

The Florida Real Estate Appraisal Board is promulgating new Rule 61J1-7.0065, F.A.C., to require each appraiser signing a certification of an appraisal report to sign the certification with the name that the licensee has registered with the Department of Business and Professional Regulation.

SUMMARY: In Rule 61J1-7.004, F.A.C., changes to Section 475.623, Florida Statutes are implemented and it is made a requirement for an appraiser to designate a primary business address if the appraiser has several registered business addresses.

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

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

SPECIFIC AUTHORITY: 475.613(2), 475.624(14) FS.

LAW IMPLEMENTED: 475.613(2), 475.624(14) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-7.004 Office.

(1) All appraisers who have an active registration, license or certification pursuant to Part II, Chapter 475, Florida Statutes, shall furnish in writing to the Department of Business and Professional Regulation each business name, trade name, or firm name and address from which he or she operates in the performance of appraisal services.

(2) Each such appraiser must notify the Department of any change of business name, trade name, or firm name and address within 10 days of the change of name or address in such a manner as determined by the Department.

(3) In instances when an appraiser has registered more than one (1) business address, the appraiser must designate the primary business address.

Specific Authority 475.614 FS. Law Implemented 475.623 FS. History–New 10-15-91, Formerly 21VV-7.004, Amended 2-16-04, _____.

61J1-7.0065 Signatures on Appraisal Report and Certification.

Each appraiser signing a certification of an appraisal report must sign the certification with the name that the licensee has registered with the Department.

Specific Authority 475.613(2), 475.624(14) FS. Law Implemented 475.613(2), 475.624(14) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NOS.:	RULE TITLES:
61J1-8.001	Citation Authority
61J1-8.002	Disciplinary Guidelines
61J1-8.003	Notice of Noncompliance

PURPOSE AND EFFECT: The Florida Real Estate Appraisal Board is amending Rule 61J1-8.001, F.A.C., to make disposable by citation failing to sign a certification with the same name registered with the Department and failing to timely notify the Department of any change in business

location or change of business name, trade name, or firm name or who has failed to fully disclose all business locations from which the appraiser operates as an appraiser.

The Florida Real Estate Appraisal Board is amending Rule 61J1-8.002, F.A.C., to provide disciplinary guidelines for a supervisory appraiser being employed by a trainee appraiser.

The Florida Real Estate Appraisal Board is revising Rule 61J1-8.003, F.A.C., to eliminate some violations for which an appraiser can be issued a notice of non-compliance and also to update citations for offenses for which a notice of non-compliance may be issued to an appraiser.

SUMMARY: In Rule 61J1-8.001, F.A.C., failing to sign a certification with the same name registered with the Department and failing to timely notify the Department of any change in business location or change of business name, trade name, or firm name or who has failed to fully disclose all business locations from which the appraiser operates as an appraiser are made disposable by citation.

In Rule 61J1-8.002, F.A.C., disciplinary guidelines are provided for a supervisory appraiser being employed by a trainee appraiser.

In Rule 61J1-8.003, F.A.C., some violations for which an appraiser can be issued a notice of non-compliance are eliminated and citations for offenses for which a notice of non-compliance may be issued to an appraiser are updated.

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

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

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.2245, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) 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 RULES IS: Michael E. Murphy, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULES IS:

61J1-8.001 Citation Authority.

(1) No change.

(2) The following violations with accompanying fine may be disposed of by citation:

(a) Section 475.624(4), F.S. – has violated any of the provisions of Chapter 455 or 475, Part II, F.S., by –

1. through 6. No change.

7.a. Failing to sign a certification pursuant \$2300.00

to Section 475.624(14), F.S.

7.b. Failing to sign certification with same name registered with the Department. \$500.00

8.a. Failing to state reporting options as required by Section 475.624(14), F.S. \$300.00

8.b. Failing to timely notify the department \$300.00

of any change in business location or change of business name, trade name, or firm name, or has failed to fully disclose all business locations from which he operates as an appraiser as required by Section 475.624(18), F.S., and Rule 61J1-7.004, F.A.C.

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.622(1), 475.624(14), (18) FS. History–New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05,_____.

61J1-8.002 Disciplinary Guidelines.

(1) through (2) No change.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4):

VIOLATIONS	RECOMMENDED RANGE OF PENALTY
(a) through (aa) No change.	No change.
<u>(bb) Section 475.622(3), F.S. Supervisory appraiser employed by a trainee appraiser.</u>	<u>The usual action of the Board shall be to impose a penalty of a 5 year suspension to revocation and an administrative fine of \$1,000.00</u>

(4)(a) through (b) No change.

Specific Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.624, 475.626 FS. History–New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03,_____.

61J1-8.003 Notice of Noncompliance.

(1) Pursuant to Sections 455.225(3) and 120.695, F.S., the board sets forth below those rules which are considered minor violations for which the DBPR shall provide a registrant, licensee or certificate holder with a notice of noncompliance. A violation of a rule is considered a minor violation if it does not result in economic or physical harm to a person or adversely affect the public health, safety, or welfare or create a significant threat of such harm. The notice of noncompliance shall only be issued for an initial offense of a listed minor violation.

(a) No change.

(b) ~~Rule 61J1-7.002, F.A.C.~~ Section 475.622, F.S. – Display of number.

(c) Rule 61J1-7.003, F.A.C. – Designation and number in advertising.

~~(d) Subsection 61J1-7.004(1), F.A.C. Registration of business address.~~

~~(e) Subsection 61J1-7.004(2), F.A.C. Change of business address.~~

~~(d)(f) Subsection 61J1-7.007(1), F.A.C.~~ Section 475.6221(1), F.S. – Registering the name of supervising appraiser; notification of termination of relationship with supervising appraiser.

~~(e)(g) Subsection 61J1-7.008(2), F.A.C.~~ – Registration or change of current mailing address as defined in Rule 61J1-7.008, F.A.C.

(2) through (3) No change.

Specific Authority 475.614 FS. Law Implemented 120.695, 455.225(3) FS. History—New 3-28-94, Amended 1-1-96,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Appraisal Board

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 24, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 11, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE CHAPTER NO.: RULE CHAPTER TITLE:
62-730 Hazardous Waste

RULE NO.: RULE TITLE:
62-730.186 Universal Pharmaceutical Waste

PURPOSE AND EFFECT: The proposed rule amendments are intended to allow flexibility in the management of hazardous waste pharmaceuticals by regulating such waste as universal waste in Florida, and to clarify standards applicable to handlers of hazardous waste pharmaceuticals. The new rule does not require generators to manage hazardous waste pharmaceuticals as universal waste, and does not require reverse distributors to become handlers of hazardous waste pharmaceuticals. The new rule does not impose any new regulatory requirements. It merely allows a less stringent management option for persons who generate hazardous waste pharmaceuticals and for reverse distributors who choose to accept hazardous waste pharmaceuticals.

SUMMARY: This rule establishes requirements for handlers of hazardous waste pharmaceuticals. It includes definitions; prohibitions; notification; waste and container management; labeling; accumulation time limits; employee training; response to releases; off-site shipments; record-keeping; and conditions related to handlers who are reverse distributors.

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

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

SPECIFIC AUTHORITY: 403.061, 403.151, 403.704, 403.72, 403.721 FS.

LAW IMPLEMENTED: 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS.

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

DATE AND TIME: October 26, 2006, 9:00 a.m.

PLACE: Conference Room A, 3900 Commonwealth, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: DEP Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Julie Rainey, Environmental Manager; Hazardous Waste Regulation; Mail Station 4560, Department of Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8713; julie.c.rainey@dep.state.fl.us.

THE FULL TEXT OF THE PROPOSED RULE IS:

62-730.186 Universal Pharmaceutical Waste.

(1) The requirements of this section apply to:

(a) “Hazardous waste pharmaceuticals” (as defined in paragraph 62-730.186(4)(e), F.A.C.) while they are managed in Florida: and

(b) Large and small quantity handlers of universal pharmaceutical waste as defined in paragraphs 62-730.186(4)(f) and (l), F.A.C., including persons who handle universal pharmaceutical waste on an infrequent or episodic basis, as well as those who handle such waste routinely or periodically.

(2) The requirements of this section do not apply to:

(a) Pharmaceuticals that are not hazardous waste;

(b) Pharmaceuticals that have not been discarded and that are:

1. Returned with a reasonable expectation of credit through the pharmaceutical reverse distribution system to a manufacturer, wholesaler or reverse distributor, in accordance with an agreement or policy of the manufacturer, due to an oversupply, expiration of the recommended shelf life, a manufacturer recall, a shipping error or damage to the exterior packaging;

2. Donated to a charitable organization as described in the Internal Revenue Code and permitted pursuant to the requirements of subsection 64F-12.023(1), F.A.C.; or

3. Sold to persons who resell and do not discard the pharmaceuticals;

(c) Pharmaceuticals that are biomedical waste as defined in Section 403.703, Florida Statutes (F.S.);

(d) Spill residues, cleanup materials, and media that are contaminated with pharmaceuticals as the result of a spill or discharge; and

(e) Raw materials or ingredients used in the manufacture of pharmaceuticals.

(3) Hazardous waste pharmaceuticals are considered to be universal waste in Florida when managed in accordance with this section. Hazardous waste pharmaceuticals not managed as universal waste in accordance with this section shall be managed in accordance with Chapter 62-730, F.A.C., and shall be disposed of at a permitted hazardous waste treatment, storage or disposal facility.

(4) Definitions. As used in this section:

(a) "Consumer packaging" means the packaging that surrounds or encloses a container, in a form intended or suitable for a healthcare or retail venue, or rejected during the manufacturing process as long as it is enclosed in its bottle, jar, tube, ampule, or package for final distribution to a healthcare or retail venue.

(b) "Container" means the receptacle, such as a bottle, jar, tube, or ampule, into which a pharmaceutical is placed, packaged for transport and/or transported and intended for distribution or dispensing to an ultimate user, and does not include any element of a pharmaceutical that is intended to be absorbed, inhaled or ingested.

(c) "Distribute" means to deliver a pharmaceutical by means other than by administering or dispensing.

(d) "Distributor" means a person who distributes.

(e) "Hazardous waste pharmaceutical" means a "non-viable" "pharmaceutical" [as defined in paragraphs 62-730.186(4)(i) and 62-730.186(4)(h), F.A.C., respectively] that exhibits a characteristic as described in 40 CFR Part 261, Subpart C [as adopted in subsection 62-730.030(1), F.A.C.] or is listed hazardous waste pursuant to 40 CFR Part 261, Subpart D [as adopted in subsection 62-730.030(1), F.A.C.] If the waste formulation includes a commercial chemical product listed in Subpart D as the sole active ingredient, then the entire formulation is considered a hazardous waste pharmaceutical, unless excluded by 40 CFR 261.3(g) [as adopted in subsection 62-730.030(1), F.A.C.]. A pharmaceutical becomes a waste when it is no longer "viable" (as defined in paragraph 62-730.186(4)(n), F.A.C.); when a decision is made to discard the pharmaceutical; or when the pharmaceutical is abandoned as described in 40 CFR 261.2(b) [as adopted in subsection 62-730.030(1), F.A.C.] A pharmaceutical does not meet the definition of a "solid waste" under 40 CFR 261.2 and is

considered product as long as it is viable, a decision to discard it has not been made, and it is not abandoned as described in 40 CFR 261.2(b). Pharmaceuticals that are produced by a pharmaceutical manufacturer without reasonable expectation of sale, returned or delivered without a reasonable expectation of credit to a manufacturer, wholesaler, reverse distributor or any type of waste broker, are non-viable and are discarded. Non-viable pharmaceuticals that are hazardous waste may be handled as universal waste under this rule.

(f) "Large quantity handler of universal waste" means a "universal waste handler" [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that, at any time:

1. Accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps, or pharmaceuticals, calculated collectively), or

2. Accumulates universal pharmaceutical waste consisting of more than one kilogram total of pharmaceuticals listed in 40 CFR 261.33(e) [as adopted in subsection 62-730.030(1), F.A.C.] as acute hazardous waste ("p-listed wastes"). The designation as a large quantity handler of universal waste is retained through the end of the calendar year in which the universal waste, identified in subparagraphs 1. and 2. of paragraph 62-730.186(4)(f), F.A.C., is accumulated.

(g) "Manufacturer" means a person who prepares, derives, manufactures, or produces a pharmaceutical.

(h) "Pharmaceutical" means a manufactured chemical product that is intended to be inhaled, ingested, injected, or topically applied for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease or injury in humans or other animals.

(i) "Non-viable" means a pharmaceutical that cannot be sold, returned to the manufacturer, wholesaler or reverse distributor with a reasonable expectation of credit, or donated to a charitable organization. Pharmaceuticals that are obviously "waste-like", such as partial intravenous formulations; partial vials used in the preparation of intravenous (IV) formulations; outdated samples; other outdated items repackaged at the pharmacy; partial vials or vials used on the unit and not emptied (such as insulin and epinephrine dispensing devices); partial ointments, creams and lotions; partial inhalants; partial containers that are not empty as defined in 40 CFR 261.7 [as adopted in subsection 62-730.030(1), F.A.C.]; patient's personal medications that have been left at the hospital; filled finished products that are rejected during the manufacturing process, so long as they are in their consumer package (such as bottle, jar, tube, or ampule), do not support a reasonable expectation of credit and therefore are non-viable pharmaceuticals.

(j) "Pharmaceutical reverse distribution system" means the established practice of shipping expired or other unsaleable pharmaceutical products from pharmacies, medical practitioners, over-the-counter pharmaceutical retailers, and

pharmaceutical wholesalers to pharmaceutical reverse distributors and then to manufacturers with the intent of receiving credit. These items may be shipped directly to manufacturers depending on manufacturer return policies.

(k) "Reverse distributor" means a person engaged in the reverse distribution of pharmaceuticals who:

1. Operates a warehouse licensed by the Department of Health Bureau of Statewide Pharmaceutical Services under Chapter 499, F.S., as a reverse distributor; and

2. Has management systems in place to ensure compliance with applicable requirements of 40 CFR Parts 260 through 273 [as adopted in sections 62-730.021 and 62-730.183, and subsections 62-730.020(1), 62-730.030(1), 62-730.160(1), 62-730.170(1), 62-730.180(1) & (2), 62-730.181(1), 62-730.185(1), and 62-730.220(1), F.A.C.] and Chapter 62-730, F.A.C.

NOTE: The Federal Drug Enforcement Administration has registration requirements for persons engaged in the reverse distribution of pharmaceuticals who handle controlled substances in Schedules II through V promulgated under United States Code, Title 21, Section 812.

(l) "Small quantity handler of universal waste" means a "universal waste handler" [as defined in 40 CFR 273.9 (as adopted in subsection 62-730.185(1), F.A.C.)] that does not:

1. Accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, lamps or pharmaceuticals, calculated collectively); or

2. Accumulate universal pharmaceutical waste consisting of more than one kilogram total of pharmaceuticals listed in 40 CFR 261.33(e) [as adopted in subsection 62-730.030(1), F.A.C.] as acute hazardous waste ("p-listed wastes").

(m) "Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of 40 CFR Part 273 [as adopted in subsection 62-730.185(1), F.A.C.], Chapter 62-730, F.A.C., or Chapter 62-737, F.A.C.: batteries as described in 40 CFR 273.2; pesticides as described in 40 CFR 273.3; thermostats as described in 40 CFR 273.4; lamps as described in 40 CFR 273.5; mercury-containing devices as described Chapter 62-737, F.A.C.; and pharmaceuticals as defined in paragraph 62-730.186(4)(e), F.A.C.

(n) "Viable" means a pharmaceutical can be sold, returned to the manufacturer, wholesaler or reverse distributor with a reasonable expectation of credit, or donated to a charitable organization meeting the definition in the Internal Revenue Code and permitted in accordance with subsection 64F-12.023(1), F.A.C.

(o) "Wholesaler" means a person who sells or distributes for resale any pharmaceutical as defined in paragraph 62-730.186(4)(e), F.A.C., to any entity other than the ultimate user.

(5) A large or small quantity handler of universal pharmaceutical waste ("handler") is prohibited from:

(a) Disposing of universal pharmaceutical waste; and

(b) Diluting or treating universal pharmaceutical waste, except when responding to releases as described in subsection 62-730.186(10), F.A.C., or when managing waste as described in subsection 62-730.186(7), F.A.C.

(6) A handler shall notify the Department in writing and receive an EPA Identification Number before accumulating universal pharmaceutical waste or offering such waste for transport. A handler of hazardous waste that has already notified the Department of its hazardous waste management activities and obtained an EPA Identification Number is not required to renotify under this section. Notification shall include:

(a) The handler's name and mailing address;

(b) The name and business telephone number of the person at the handler's site to contact regarding universal pharmaceutical waste management activities;

(c) The address or physical location of the universal pharmaceutical waste management activities;

(d) A list of all the types of universal waste managed by the handler (e.g., batteries, pesticides, thermostats, lamps, pharmaceuticals); and

(e) A statement indicating the handler status and the amount in kilograms of each universal waste the handler expects to accumulate at one time.

(7) A handler shall implement proper universal pharmaceutical waste management activities that include the following:

(a) A handler shall contain any universal pharmaceutical waste that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. A handler shall manage universal pharmaceutical waste in a way that prevents releases of any universal pharmaceutical waste or component of a universal pharmaceutical waste to the environment. The universal pharmaceutical waste shall be contained in one or more of the following:

1. A container that remains closed (except when adding or removing waste), is structurally sound and compatible with the pharmaceutical, and that lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions;

2. A container that does not meet the requirements of subparagraph 62-730.186(7)(a)1., F.A.C., provided the unacceptable container is overpacked in a container that does meet the requirements; and

3. A tank that meets the requirements of 40 CFR Part 265 Subpart J [as adopted in subsection 62-730.180(2), F.A.C.], except for 40 CFR 265.197(c), 265.200 and 265.201.

(b) A handler shall clearly label containers and tanks accumulating waste pharmaceuticals with the phrase "universal pharmaceutical waste" or "universal waste

pharmaceuticals.” and with specific hazardous waste codes applicable to the universal pharmaceutical waste in the container or tank.

(c) A handler may conduct the following activities as long as the innermost container of each individual pharmaceutical remains intact and closed, and marked with the applicable hazardous waste code:

1. Sorting or mixing individual pharmaceuticals in one outer container, as long as the pharmaceuticals are compatible;
2. Disassembling packages containing several pharmaceuticals into individual pharmaceuticals; and
3. Removing pharmaceuticals from consumer packaging.

(d) A handler of universal pharmaceutical waste may generate solid waste as a result of the activities in paragraph 62-730.186(7)(c), F.A.C., of this subsection. A handler of universal pharmaceutical waste that generates solid waste shall determine whether the solid waste is hazardous waste identified in 40 CFR Part 261 Subpart C or D [as adopted in subsection 62-730.030(1), F.A.C.]. If the solid waste is a hazardous waste, it shall be managed in compliance with all applicable requirements of Chapter 62-730, F.A.C. The handler is considered the generator of the hazardous waste and is subject to 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.]. If the solid waste is not hazardous waste, the handler may manage the waste in any way that is in compliance with applicable federal, state and local solid waste regulations.

(e)1. A reverse distributor who meets the definition of “universal waste handler” in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.] shall meet the requirements for “handlers” in subsections 62-730.186(6) through (12), F.A.C., of this section.

2. A reverse distributor shall:

a. Begin the process of distinguishing viable pharmaceuticals from universal pharmaceutical waste or hazardous waste within 14 days of receipt of a complete shipment of returns from a handler, and in no event more than 21 days from the receipt of the first installment of a partial shipment;

b. Complete the universal pharmaceutical waste or hazardous waste identification process within 21 days of receipt of the complete shipment, and in no event more than 30 days from receipt of the first installment of a partial shipment; and

c. Keep a record of each shipment of returns by any method that clearly demonstrates the date on which the shipment was received and the date on which the reverse distributor determined the universal pharmaceutical waste or hazardous waste status of all items in the shipment.

(8) The following are accumulation time limits and verification practices for handlers of universal pharmaceutical waste:

(a) A small quantity handler of universal waste may accumulate universal pharmaceutical waste for no longer than one year from the date the universal pharmaceutical waste were generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(b) A large quantity handler of universal waste may accumulate universal pharmaceutical waste for no longer than 6 months from the date the universal pharmaceutical wastes are generated, unless the requirements of paragraph 62-730.186(8)(c), F.A.C., are met.

(c) A handler may accumulate universal pharmaceutical waste for a longer period of time than specified in paragraphs 62-730.186(8)(a) and (b), F.A.C., if such activity is solely for the purpose of accumulation of such quantities of universal pharmaceutical waste as are necessary to facilitate proper recovery, treatment or disposal. However, the handler bears the burden of proving that the extended accumulation time is solely for these purposes.

(d) A handler shall be able to demonstrate the accumulation time for the universal pharmaceutical waste. The handler may make this demonstration by:

1. Placing the universal pharmaceutical waste in a container and marking or labeling the container with the earliest date that any universal pharmaceutical waste in the container became a waste;

2. Marking or labeling each individual item of universal pharmaceutical waste (e.g., each individual pharmaceutical container or package) with the date it became a waste;

3. Maintaining an inventory system on-site that identifies the date each universal pharmaceutical waste became a waste;

4. Maintaining an inventory system on-site that identifies the earliest date that any universal pharmaceutical waste in a group of universal pharmaceutical wastes, or a group of containers of universal pharmaceutical wastes, became waste; or

5. Using any other method which clearly demonstrates the length of time the universal pharmaceutical wastes have been accumulating from the date they became a waste.

(9) A handler shall ensure that all employees handling or managing universal pharmaceutical waste successfully complete a program of classroom instruction or on-the-job training.

(a) The training shall ensure that all employees are thoroughly familiar with proper waste management procedures relevant to their responsibilities during normal facility operations and emergencies. The training shall include response to releases as required by subsection 62-730.186(10), F.A.C.

(b) Employees working at a handler’s facility on [effective date] shall successfully complete the training program required in paragraph 62-730.186(9)(a), F.A.C., within three months after the effective date. Employees hired or assigned after [effective date] shall successfully complete the training

program within three months after the date of their employment at or assignment to the handler's facility. These employees shall not work unsupervised until they have completed the training requirements.

(c) Employees shall take part in an annual review of the initial training required in paragraph 62-730.186(9)(a), F.A.C., and the handler shall ensure that the annual review is available to the employees.

(d) A handler shall document the training given to each employee. The documents shall include the employee's name, signature, date of hire or assignment, date of training, and type of training. The training documents shall be kept at the handler's place of business for at least three years.

(10) A handler shall immediately contain all releases of universal pharmaceutical waste (including spills that occur indoors). A handler shall determine whether any material resulting from a release is hazardous waste. A handler shall manage any such hazardous waste in compliance with the requirements of 40 CFR Parts 260 through 272 [as adopted in sections 62-730.021, and 62-730.183, and subsections 62-730.020(1), 62-730.030(1), 62-730.160(1), 62-730.170(1), 62-730.180(1) & (2), 62-730.181(1), and 62-730.220(1), F.A.C.]. The handler is considered the generator of the material resulting from the release and shall manage the material in compliance with 40 CFR Part 262 [as adopted in subsection 62-730.160(1), F.A.C.]. Material resulting from the release of universal pharmaceutical waste may not be managed as universal pharmaceutical waste.

(11) Off-site shipments of universal pharmaceutical waste shall meet the following requirements:

(a) A handler is prohibited from sending or taking universal pharmaceutical waste to a place other than to a handler who has notified the department pursuant to subsection 62-730.186(6), F.A.C, a reverse distributor, a destination facility as defined in 40 CFR 273.9 [as adopted in subsection 62-730.185(1), F.A.C.], or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(j), F.A.C.

(b) A reverse distributor is prohibited from taking or sending universal pharmaceutical waste to a place other than a destination facility that is permitted pursuant to 40 CFR Parts 264 [as adopted in subsection 62-730.180(1), F.A.C.] and 270 [as adopted in subsection 62-730.220(1), F.A.C.] for treatment, storage or disposal of hazardous waste, or a foreign destination in accordance with the requirements of paragraph 62-730.186(11)(j), F.A.C.

(c) If a handler self-transportes universal pharmaceutical waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and shall comply with the transporter requirements of 40 CFR Part 273 Subpart D [as adopted in subsection 62-730.185(1), F.A.C.] while transporting the universal pharmaceutical waste.

(d) A handler that intends to transport a universal pharmaceutical waste that meets the definition of hazardous materials in 49 CFR Parts 171 through 180 shall comply with the applicable Department of Transportation regulations in 49 CFR Parts 172 through 180. The handler shall package, label, mark and placard the shipment, and prepare proper shipping papers, in accordance with these Department of Transportation regulations. Handlers are advised to consult 49 CFR 172.101 for a list of hazardous materials and a table summarizing shipping requirements.

(e) A handler that transports a universal pharmaceutical waste to a reverse distributor must provide the reverse distributor with written information sufficient to allow the reverse distributor to make knowledgeable decisions about the safe handling and proper disposal of the universal pharmaceutical waste.

(f) Prior to sending a shipment of universal pharmaceutical waste to a destination facility, the originating handler shall ensure that the destination facility agrees in writing to receive the shipment. One agreement to accept universal waste from a handler can cover more than one shipment.

(g) If a handler sends a shipment of universal pharmaceutical waste to a destination facility and the shipment is rejected by the destination facility, the originating handler shall either:

1. Receive the waste back when notified that the shipment has been rejected; or

2. Agree with the destination facility on a alternate destination facility to which the shipment will be sent.

(h) If a destination facility receives a shipment containing hazardous waste that is labeled universal pharmaceutical waste but is not in fact universal pharmaceutical waste, the destination facility shall immediately notify the Department of the mislabeled shipment and provide the name, address, and telephone number of the originating handler. The destination facility shall handle the hazardous waste in accordance with the requirements of Chapter 62-730, F.A.C.

(i) If a destination facility receives a shipment of non-hazardous, non-universal waste pharmaceuticals, the destination facility may manage the waste pharmaceuticals in any way that is in compliance with applicable federal, state and local solid waste regulations.

(j)1. A handler who sends universal pharmaceutical waste to a foreign destination which is one of the following designated member countries of the Organization for Economic Cooperation and Development (OECD): Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, and United Kingdom, is subject to the requirements of 40 CFR Part 262 Subpart H [as adopted in subsection 62-730.160(1), F.A.C.].

2. A handler who sends universal pharmaceutical waste to a foreign destination other than those listed in subparagraph 62-730.186(11)(j)1., F.A.C., must:

a. Comply with the requirements applicable to a primary exporter in 40 CFR 262.53, 262.56(a)(1) through (4), (6), and (b), and 262.57 [as adopted in subsection 62-730.160(1), F.A.C.];

b. Export such universal pharmaceutical waste only upon consent of the receiving country and in conformance with the EPA Acknowledgement of Consent as defined in 40 CFR 262.51 [as adopted in subsection 62-730.160(1), F.A.C.]; and

c. Provide a copy of the EPA Acknowledgement of Consent for the shipment to the transporter who transports the shipment for export.

(k) This section applies to hazardous waste pharmaceuticals only while they are managed in Florida. Handlers are advised to meet the regulatory requirements of the receiving state when hazardous waste pharmaceuticals are shipped out of state.

(12) A handler shall keep a record of each shipment of universal pharmaceutical waste sent to a reverse distributor, destination facility, or foreign destination. The record shall consist of a written receipt, manifest, bill of lading or other written documentation. A handler shall retain the records at its place of business for at least three years from the date of shipment. The record for each shipment of universal pharmaceutical waste shall include the following information:

(a) The name and address of the reverse distributor, destination facility or foreign destination to which the universal pharmaceutical wastes were sent;

(b) The quantity of universal pharmaceutical waste sent; and

(c) The date the shipment of universal pharmaceutical waste left the handler's facility.

(13) This section constitutes state authorization for reverse distributors to manage hazardous pharmaceutical waste from conditionally exempt hazardous waste generators (CESQGs) and authorization for CESQGs to ensure delivery of their hazardous waste pharmaceuticals to a reverse distributor, pursuant to 40 CFR 261.5(f)(3)(iii) and 40 CFR 261.5(g)(3)(iii) [as adopted in subsection 62-730.030(1), F.A.C.].

Specific Authority 403.061, 403.151, 403.704, 403.72, 403.721 FS. Law Implemented 120.52, 120.54, 403.061, 403.151, 403.704, 403.72, 403.721 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:
Tim Bahr, Environmental Administrator, Hazardous Waste Regulation, Department of Environmental Protection
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Jean Yon, Division, Division of Waste Management, Department of Environmental Protection

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 2, 2003

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.001
RULE TITLE: Continuing Education Requirement
PURPOSE AND EFFECT: The Board proposes to amend the rule for continuing education courses.

SUMMARY: The amendments to the Rule set forth the new requirements for an applicant who seeks to renew his/her license.

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

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

SPECIFIC AUTHORITY: 456.013(8), 468.361(2) FS.

LAW IMPLEMENTED: 468.361 FS.

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

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susie Love, Executive Director, Board of Respiratory Care, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64B32-6.001 Continuing Education Requirement.

(1) through (4) No change.

(5) A licensee needs twenty-four (24) hours per biennium in order to renew the license.

The hours can be obtained in the following manner:

<u>(a) Direct Delivery of Respiratory Care Services</u>	<u>A minimum of 16 hours each biennium must be obtained by each licensee in the approved offerings pursuant to subsection 64B32-6.004(3), F.A.C.</u>
<u>1. Medical Errors</u>	<u>2 hours in a board-approved continuing education course pursuant to Rule 64B32-6.006, F.A.C.</u>
<u>2. HIV/AIDS</u>	<u>At least 3 hours but no more than 5 hours pursuant to Rule 64B32-6.006, F.A.C. The course must be taken within five (5) years of first biennium.</u>

<u>(b) Non-Direct Respiratory Patient Care (i.e. management, risk management, personal growth, and educational techniques)</u>	<u>No more than 8 hours in this area will be acceptable for the purpose of biennial renewal of a license pursuant to subsection 64B32-6.004(3), F.A.C.</u>
<u>(c) Home Study Courses</u>	<u>No more than 12 hours per biennium pursuant to subsection 64B32-6.004(3), F.A.C.</u>

(d) Other requirements that satisfy continuing education are listed in Rule 64B32-6.004, F.A.C.

Specific Authority 456.013(8), 468.361(2) FS. Law Implemented 468.361 FS. History--New 4-29-85, Formerly 21M-38.01, Amended 9-29-86, Formerly 21M-38.001, Amended 1-2-94, Formerly 61F6-38.001, Amended 11-1-94, Formerly 59R-75.001, Amended 6-9-99, Formerly 64B8-75.001, Amended 5-15-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Board of Respiratory Care
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Respiratory Care
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 14, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 9, 2006

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: RULE TITLE:
 40C-8.031 Minimum Surface Water Levels and Flows and Groundwater Levels

NOTICE OF CONTINUATION OF PUBLIC MEETING

Notice is hereby given that the Public Hearing to consider revisions to Rule 40C-8.031, F.A.C., for the Minimum Flow Regime for Blue Spring, Volusia County, was convened on August 8, 2006, and was continued until the date, time and place listed below:

DATE AND TIME: October 10, 2006, following the Governing Board meeting which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District, 4049 Reid Street, Palatka, FL 32177

The Notice of Proposed Rule was published in the May 19, 2006 issue of the Florida Administrative Weekly, Vol. 32, No. 27.

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

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting Norma Messer, (386)329-4459 or (386)329-4450 (TDD).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
 61G4-12.009 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. 47, November 23, 2005 issue of the Florida Administrative Weekly.

The change is response to written comments submitted by the staff of the Joint Administrative Procedures Committee. The Board, at its meeting held on August 9-11, 2006, voted to change subsection (14) of the rule to read as follows:

(14) The fee for application to re-instate a null and void license is one hundred dollars (\$100.00).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.: RULE TITLE:
 61G4-17.001 Normal Penalty Ranges

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. 23, June 9, 2006 issue of the Florida Administrative Weekly.

The change is in response to written comments submitted by the staff of the Joint Administrative Procedures Committee.

The changes are as follows:

(1) Subsection (1)(c) shall now read as follows:

(c) Section 489.129 (1)(c), F.S.: 1. Section 455.227 (1)(a), F.S.: Fraud, deceit, misleading, or untrue representations.	\$5,000 fine and/or probation or suspension.	\$10,000 fine and revocation.
2. Section 455.227 (1)(r), F.S.: Improperly interfering with an investigation or disciplinary action.	\$5,000 fine and/or probation or suspension.	\$10,000 fine and revocation.

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Employee Leasing Companies

RULE NO.: 61G7-5.0033
RULE TITLE: Consolidated and Combined Financial Statements

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32 No. 35, September 1, 2006 issue of the Florida Administrative Weekly.

The correct date for the publication of the Notice of Proposed Rule Development is: July 21, 2006.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Richard Morrison, Executive Director, Board of Employee Leasing Companies, Department of Business and Professional Regulations, 1940 North Monroe Street, Tallahassee, Florida 32399-0767

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Chiropractic

RULE NO.: 64B2-13.004
RULE TITLE: Continuing Education
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. 35, September 1, 2006 issue of the Florida Administrative Weekly.

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

DEPARTMENT OF HEALTH

Board of Massage

RULE NO.: 64B7-28.009
RULE TITLE: Continuing Education
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 32, No. 34, August 25, 2006 issue of the Florida Administrative Weekly.

In the "DATE PROPOSED RULE APPROVED BY THE AGENCY HEAD block" please add "July 28, 2006."

THE PERSON TO BE CONTACTED REGARDING THE ABOVE CHANGE IS: Pamela E. King, Executive Director, Board of Massage Therapy, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399

DEPARTMENT OF HEALTH

Division of Disease Control

RULE CHAPTER NO.: 64D-4
RULE CHAPTER TITLE: Eligibility Requirements for HIV/AIDS Patient Care Programs
RULE NOS.: 64D-4.002, 64D-4.003, 64D-4.005
RULE TITLES: Definitions, Eligibility and Documentation Requirements, Re-Determination and Continued Eligibility

SECOND NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the Notice of Change published in the Vol. 32, No. 30, July 28, 2006 issue of the Florida Administrative Weekly. The changes are in response to written and verbal comments received from the Joint Administrative Procedures Committee (JAPC). The changes are as follows:

The rule becomes effective 20 days after it is filed for adoption. ~~Proposed Effective Date is 10-15-06.~~

64D-4.002 Definitions.

(2) "Application" means the application, instructions and information in the brochure titled the Application and Eligibility Requirements (DH 150-884, ~~#DH-2133~~, effective _____) which is incorporated by reference.

64D-4.003 Eligibility and Documentation Requirements.

(2) Must be living in Florida. ~~Must be a resident in the state of Florida.~~

64D-4.005 Re-Determination and Continued Eligibility.

(3)(a) A client is no longer living in Florida. ~~A client is no longer a resident in the state of Florida.~~

Modifications to the Application and Eligibility Requirements (DH 150-884) which is incorporated by reference included the following:

On the application the following changes were made:

- Minor spelling and grammatical corrections in Parts 1, 3 and 5.
- Part 2: Deleted all wording.
- Relocated a new Part 2 Living Arrangements with the address information.
- Changed the “Address Where You Live” to Address Where You Currently Live.
- Deleted reference to “Social Security Number (SSN).”
- Part 4. Household Monthly Income. Deleted the word “together” and added “with the applicant” to the second sentence, and deleted “roommates” in the third sentence.

In the brochure portion of the Application the following changes were made:

- Changed “Must be a resident in the state of Florida” to Must be living in Florida.
- Part 2. Deleted all wording except “Living in Florida. Bring Photo ID if possible.”
- Reworded the response to the last question to read as follows: You will receive a written letter explaining why you are not eligible and if you are still not satisfied you will be provided information about your right to ask for a fair hearing.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela McWilliams, Patient Care Program, Bureau of HIV/AIDS, Department of Health

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tom Liberti, Chief, Bureau of HIV/AIDS, Department of Health

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 18, 2004

DEPARTMENT OF CHILDREN AND FAMILIES

Office of Domestic Violence Program

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65H-2	Batterer Intervention Program Certification Minimum Standards
RULE NOS.:	RULE TITLES:
65H-2.001	Purpose
65H-2.002	Definitions
65H-2.003	Application for Certification
65H-2.004	Program Requirements
65H-2.005	Program Content
65H-2.006	Facilitator Eligibility
65H-2.007	Assessment Requirements
65H-2.008	Assessor Eligibility
65H-2.009	Trainer Requirements

65H-2.010	Monitoring
65H-2.011	Conflicts of Interest
	NOTICE OF CORRECTION

Rule Chapter Numbers 65C-5.001 through 65C-5.011 for the “Batterer Intervention Program Certification Minimum Standards” has been changed. The proposed rule chapters were printed in the Florida Administrative Weekly, July 21, 2006 edition. The new chapter numbers are as follows:

**Section IV
Emergency Rules**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER06-49	Instant Game Number 680, DEAL OR NO DEAL

SUMMARY OF THE RULE: This emergency rule describes Instant Game Number 680, “DEAL OR NO DEAL,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-49 Instant Game Number 680, DEAL OR NO DEAL.

(1) Name of Game. Instant Game Number 680, “DEAL OR NO DEAL.”

(2) Price. DEAL OR NO DEAL lottery tickets sell for \$5.00 per ticket.

(3) DEAL OR NO DEAL lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning DEAL OR NO DEAL lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “YOUR CASE NUMBERS” play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY
21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX				

(5) The "WINNING CASE NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY
21 TWENTYONE	22 TWENTYTWO	23 TWENTYTHREE	24 TWENTYFOUR	25 TWENTYFIVE	26 TWENTYSIX				

(6) The prize symbols and prize symbol captions are as follows:

\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN	\$15.00 FIFTEEN	\$25.00 TWENTYFIVE
\$50.00 FIFTY	\$100 ONE HUNDRED	\$200 TWO HUNDRED	\$500 FIVE HUNDRED	\$1,000 ONE THOUSAND	\$10,000 TEN THOUSAND	\$100,000 ONE HUNDRED THOUSAND

(7) The "BANKER'S BOX" play symbols and play symbol captions are as follows:

DEAL TRY
WIN \$100 AGAIN

(8) The legends are as follows:

BANKER'S BOX WINNING CASE NUMBERS YOUR CASE NUMBERS

(9) Determination of Prizewinners.

(a) A ticket having a number in the "YOUR CASE NUMBERS" play area that matches any number in the "WINNING CASE NUMBERS" play area shall entitle the claimant to the corresponding prize shown for that number. A

DEAL

ticket having a "WIN \$100" symbol in the "BANKER'S BOX" play area shall entitle the claimant to a prize of \$100.

(b) The prize amounts are: \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$15.00, \$25.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and \$100,000.

(10) The estimated odds of winning, value, and number of prizes in Instant Game Number 680 are as follows:

GAME PLAY	WIN	1 IN	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL
\$1 x 5	\$5	30.00	168,000
(\$1 x 3) + \$2	\$5	30.00	168,000
\$1 + (\$2 x 2)	\$5	30.00	168,000
\$5	\$5	30.00	168,000
\$1 x 10	\$10	60.00	84,000
\$2 + (\$4 x 2)	\$10	60.00	84,000
(\$1 x 4) + (\$2 x 3)	\$10	60.00	84,000
\$1 + (\$2 x 2) + \$5	\$10	120.00	42,000
\$10	\$10	120.00	42,000
\$1 x 15	\$15	60.00	84,000
\$15	\$15	60.00	84,000
\$5 x 5	\$25	300.00	16,800
(\$5 x 3) + \$10	\$25	400.00	12,600
\$5 + (\$10 x 2)	\$25	300.00	16,800
(\$2 x 5) + \$5 + \$10	\$25	300.00	16,800
(\$1 x 5) + (\$2 x 10)	\$25	400.00	12,600
\$25	\$25	600.00	8,400
(\$10 x 2) + (\$15 x 2)	\$50	300.00	16,800
\$5 + (\$10 x 2) + \$25	\$50	300.00	16,800
\$50	\$50	600.00	8,400
\$10 + (\$15 x 6)	\$100	3,000.00	1,680
(\$5 x 10) + (\$10 x 5)	\$100	3,000.00	1,680
\$25 x 4	\$100	3,000.00	1,680
(\$25 x 2) + \$50	\$100	3,000.00	1,680
\$100 (DEAL)	\$100	226.42	22,260
\$50 x 10	\$500	24,000.00	210
(\$25 x 10) + (\$50 x 5)	\$500	24,000.00	210
\$500	\$500	24,000.00	210
\$100 x 10	\$1,000	252,000.00	20
\$200 x 5	\$1,000	252,000.00	20
(\$50 x 10) + (\$100 x 5)	\$1,000	252,000.00	20
\$500 x 2	\$1,000	252,000.00	20
\$1,000	\$1,000	252,000.00	20
\$1,000 x 10	\$10,000	2,520,000.00	2
(\$500 x 10) + (\$1,000 x 5)	\$10,000	2,520,000.00	2
\$10,000	\$10,000	2,520,000.00	2
\$100,000	\$100,000	2,520,000.00	2

(11) The estimated overall odds of winning some prize in Instant Game Number 680 are 1 in 3.78. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(12) For reorders of Instant Game Number 680, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(13) By purchasing a DEAL OR NO DEAL lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(14) Payment of prizes for DEAL OR NO DEAL lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 9-1-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 1, 2006

DEPARTMENT OF THE LOTTERY

RULE NO.:	RULE TITLE:
53ER06-50	Waiver of Electronic Funds Transfer Penalties for Retailers – Tropical Storm Ernesto

SUMMARY OF THE RULE: The emergency rule sets forth the provisions for the waiver of certain retailer penalties set forth in Florida Lottery rules in response to damage and loss sustained by Florida Lottery retailers from Tropical Storm Ernesto.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER06-50 Waiver of Electronic Funds Transfer Penalties for Retailers – Tropical Storm Ernesto.

Notwithstanding the provisions in Florida Lottery Rule 53ER05-16, F.A.C., *Retailer Accountability*, this emergency rule sets forth the provisions for the waiver of electronic funds transfer (EFT) delinquency penalties in response to an unsuccessful attempt to electronically transfer funds from a retailer’s bank account to the Lottery in payment of the retailer’s weekly settlement activity when the unsuccessful attempt is due to Tropical Storm Ernesto.

(1) The penalty for an EFT delinquency as set forth in Rule 53ER05-16, F.A.C., shall be waived provided the Lottery determines that a retailer’s unsuccessful EFT resulted from circumstances attributable to Tropical Storm Ernesto.

(2) The Florida Lottery shall make such determinations based on information it is able to obtain from the retailer, the retailer’s bank, and other available sources of relevant information.

(3) This penalty waiver shall remain in effect until such time as this rule (or certain provisions herein) is replaced with a subsequent rule declaring its obsolescence.

Specific Authority 24.105(9)(j), 24.109(1), 24.112(1) FS. Law Implemented 24.105(9)(j), 24.112(1) FS. History—New 9-1-06.

THIS EMERGENCY RULE TAKES EFFECT IMMEDIATELY UPON BEING FILED WITH THE DEPARTMENT OF STATE.

EFFECTIVE DATE: September 1, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Section V
Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF STATE

NOTICE IS HEREBY GIVEN that on March 29, 2006, the Department of State filed the Town of Surfside’s Petition for Variance of Section IX(H) of the Public Library Construction Grant Guidelines. These Guidelines are incorporated by reference into Rule 1B-2.011, F.A.C., and provide that a recipient of a Public Library Construction Grant has 540 days from the date of the grant award to place the construction project under contract, unless the recipient is involved in litigation. The Petition requested an extension of the 540-day deadline until September 29, 2007, or a complete waiver of this deadline. Notice of the petition was published in the April 21, 2006 issue of the F.A.W. On August 29, 2006, the Department of State entered an order dismissing the Petition. The general basis for the dismissal is that paragraph 1B-2.011(2)(b), F.A.C., authorizes the Department to grant the requested relief, without waiver or variance, because the Town of Surfside was unable to meet the rule deadline due to litigation.

A copy of the petition and its order of disposition may be obtained from: Lisa Ginn, Agency Clerk, Office of the General Counsel, Department of State, 500 South Bronough Street, Tallahassee, FL 32399-0250.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN that on August 28, 2006, the South Florida Water Management District, received a petition for waiver from Miami-Dade County Public Works Department, Application No. 06-0828-3M, for utilization of Works or Lands of the District known as the C-7 Canal, Miami-Dade County, for the replacement of the N. E. 2nd Avenue Bridge. The petition seeks relief from subsections 40E-6.011(4), and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the minimum low member elevation of pile-supported structures within Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Kathie Ruff, (561)682-6320, or e-mail at kruff@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Kathie Ruff, Office of Counsel.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN that on August 14, 2006, the Department of Environmental Protection, Division of Air Resource Management has issued an order.

On March 9, 2006, a petition from Pasco Terminals, Inc. (Petitioner), seeking a waiver/variance under Section 120.542 of the Florida Statutes, from pre-construction ambient air quality analysis, sulfur deposition analysis and post-construction monitoring under paragraphs 62-212.600(2)(a), (b), and (c), F.A.C. The petition was assigned OGC Case #06-0739. A Notice of Receipt of Petition for Variance was published March 24, 2006, on the Department's Internet Publication of Official Notices.

No public comment was received. The Department sent the Petitioner a Request for Additional Information on April 7, 2006. On August 14, 2006, the Petitioner withdrew its request. Consequently, the Department will take no further action on this request and no order has been issued.

A copy of the Order may be obtained by contacting: Rebecca Robinette, DEP-OGC, 3900 Commonwealth Blvd., MS 35, Tallahassee, FL 32399-3000.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on August 25, 2005, the Board of Acupuncture, received a petition for waiver or variance of subsection 64B1-4.001(2), Florida Administrative Code, allowing him to waive the required 2700 hours of supervised instruction.

Comments on this petition should be filed with: the Board of Acupuncture, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-0750, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Pam King, Executive Director, Board of Acupuncture, at the above address or telephone (850)245-4161.

NOTICE IS HEREBY GIVEN that on September 6, 2006, the Board of Psychology, received a petition for Adrine McKenzie, Ph.D., C. Psych., seeking a variance or waiver of paragraph 64B19-11.005(1)(c), F.A.C., and the requirement that a supervisor be either a Florida licensed psychologist or a doctoral-level psychologist licensed in good standing in another state.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Love, Executive Director, Board of Psychology/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, (850)245-4373, ext. 3480.

NOTICE IS HEREBY GIVEN that on August 30, 2006, the Department of Health filed Orders disposing of petitions for waiver of subsection 64E-3.004(2), F.A.C., from the following persons: Jacquelyn Blunier, Harold K. Burke, Sr., Diane Durak, Elizabeth Duva, Danielle Marie Geraci, Gail D. Gorman, Monica Reneé Harrison, Carol J. King, Pedro Luis Lambert, Carolina Medrano, Cindy Lee Milano, Sabrina V. Morales, Emmie Elizabeth Newcomb, Bonnie Parise, Eva I. Perez, Emil Pottinger, Angelina Rizzo, Mailen Rodriguez, Carla M. Stacey, Lisa A. Vickery, Aaron Wilson, and Wenona Wyche. The petitions were filed with the Department and were noticed in the F.A.W., on August 25, 2006, Vol. 32, pp 34.

The orders provide in summary that petitioners are entitled to receive a temporary certificate allowing them to continue to work while awaiting their examination results because petitioners have demonstrated that a Department error resulted in a violation of principles of fairness. Further, the waivers may be granted while fully protecting the health and safety of the public and, thus, do not violate the underlying purposes of the

statute. Accordingly, the petitions for waiver of subsection 64E-3.004(2), F.A.C., from the above-named petitioners have been Granted.

A copy of the orders may be obtained from: Elizabeth B. Hines, Executive Director, Certification Unit of EMT/Paramedic and Radiologic Technology, 4052 Bald Cypress Way, Bin C85, Tallahassee, Florida 32399-3285.

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: October 3, 2006, 9:00 a.m.
 PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

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

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including

licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Cultural Affairs**, announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 29, 2006, 8:30 a.m.

PLACE: Miami-Dade County Health Department, 8323 N. W. 12th Street, Suite 212, Miami, FL 33126, (786)336-1259

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Review Meeting is to evaluate artist submissions and select artwork for Art in State Buildings Project # DOH 9813/7350, Miami-Dade County Health Department in Little Haiti, North Miami.

A copy of the agenda may be obtained by contacting: Lee Modica, Administrator, Art in State Buildings Program, 500 S. Bronough St., Room 310A, Tallahassee FL 32399-0250, (850)245-6476.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Morgan Barr, (850)245-6356. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **State Fair Authority** announces a meeting of the Marketing Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 9:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact: Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Long Range Planning Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 9:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Nominating Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 9:30 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Finance Committee to which all interested persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 10:00 a.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact Kathleen Fisher at the above address or at (813)627-4221.

The Florida **State Fair Authority** announces a meeting of the Full Board to which all interested persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 1:00 p.m.

PLACE: Florida State Fairgrounds, 4800 U.S. Highway 301, North, Tampa, FL 33610

GENERAL SUBJECT MATTER TO BE CONSIDERED: Old and New Business.

A copy of the agenda may be obtained by contacting: Kathleen Fisher, Executive Assistant, Florida State Fair Authority, P. O. Box 11766, Tampa, FL 33680.

If special accommodations are needed due to a disability, please contact: Kathleen Fisher at the address above or at (813)627-4221.

The **Department of Agriculture and Consumer Services** announces a meeting of the Florida Emergency Food Assistance Program Advisory Board.

DATE AND TIME: September 22, 2006, 10:00 a.m. – 2:00 p.m.

PLACE: Florida Fruit and Vegetable Association, Conference Room, 800 Trafalgar Court, Maitland, Florida 32751, (321)214-5200

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Florida's Emergency Food Assistance Program.

A copy of the agenda can be obtained by contacting: Shenique Bridges, 407 S. Calhoun Street, 2nd Floor, Tallahassee, Florida 32399-0800.

If special accommodations are needed to attend this meeting because of a disability, please contact: Shenique Bridges, (850)487-6694, by September 15, 2006.

The Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a meeting of the Off-Highway Vehicle Recreation Advisory Committee which is open to all interested persons.

DATE AND TIME: Thursday, September 28, 2006, 10:00 a.m. – 2:00 p.m. (EST)

PLACE: City of Palms Park, Press Dining, 3rd Floor, 2201 Edison Avenue, Ft. Myers, FL 33905, (239)461-7400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

The Florida **Department of Agriculture and Consumer Services** announces a meeting to which all persons are invited.

DATE AND TIME: Tuesday, October 11, 2006, 11:00 a.m.

PLACE: 350 East Los Olas, #800, Fort Lauderdale, Florida 33301

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Consumers' Council will be meeting to discuss consumer-related issues; proposed legislation for the 2007 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 Florida **Department of Education**, Office of Independent Education and Parental Choice, announces a public hearing of the Charter School Appeal Commission to which all persons are invited.

DATE AND TIME: September 26, 2006, 9:00 a.m. – until completion

PLACE: Meeting Room 301, Capitol Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Charter School Appeal Commission hearing on the non renewal of Spiral Tech Elementary vs. Miami Dade County School Board. The Charter School Appeal Commission will also be discussing perceptions and roles of the Appeals Commission.

Special Accommodations: Persons with disabilities who require assistance to participate in these hearings are requested to contact: Office of Independent Education and Parental Choice, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399, (850)245-0502.

The **Florida Rehabilitation Council for the Blind** announces the following teleconference:

DATE AND TIME: September 26, 2006, 10:00 a.m. – 11:00 a.m.

PLACE: Contact: Phyllis Dill, The Division of Blind Services, 14 W. Jordan St., Room G-2, Pensacola, FL 32503, (850)595-5282, ext. 11 or email: Phyllis.dill@dbf.fldoe.org

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and approval of a resolution to the Legislature and Governor of the State of Florida the salaries of vocational rehabilitation counselors with the Division of Blind Services.

DEPARTMENT OF LAW ENFORCEMENT

The **Criminal Justice Standards and Training Commission**, Region IV, Training Council announces a meeting to which all interested persons and parties are invited to attend.

DATE AND TIME: September 25, 2006, 1:30 p.m.

PLACE: Santa Fe Community College, Institute of Public Safety, 3737 N. E. 39th Avenue, Gainesville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of proposed Region IV CJST Training Trust Fund Budget for FY 2007-2008 and action on membership for Regional Training Council.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *October 2, 2006, 9:30 a.m.

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 conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

* In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: October 3, 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 to the 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, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

NOTICE IS HEREBY GIVEN that the Telecommunications Access System Act (TASA) Advisory Committee to the Florida **Public Service Commission** will hold a committee meeting to which all parties and other interested persons are invited.

DATE AND TIME: October 6, 2006, 1:00 p.m. (EST)

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss current relevant issues related to relay such as Service Quality, CapTel and other items.

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 hearing. 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).

For additional information, please contact: Lee Eng Tan, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399-0850, (850)413-6185.

EXECUTIVE OFFICE OF THE GOVERNOR

Members of the **Governor's Ex-offender Task Force** will be meeting at conferences being held on:

DATE AND TIME: Tuesday, September 19, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: The Quorum Hotel, Tampa, Florida

DATE AND TIME: Thursday, September 28, 2006, 8:30 a.m. – 5:00 p.m.

PLACE: The Hyatt Regency Riverfront, Jacksonville, Florida

NOTICE OF CHANGE – The **Council on State Agency Inspectors General** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: The Capitol, 21st Floor, Media Conference Room 2103, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The primary objectives of this third meeting of the Council will be continuing business of the Council's legislative mandate.

For more information, you may contact: Derry Harper, Chief Inspector General, The Capitol, Room 2103, Tallahassee, FL 32399, (850)922-4637.

The **Governor's Ex-offender Task Force** will be meeting on:
DATE AND TIME: Monday, September 25, 2006, 9:00 a.m. – 5:00 p.m.

PLACE: The Coleman Prison

GENERAL SUBJECT MATTER TO BE CONSIDERED: They will be discussing Task Force recommendations then and informally the night before at the Holiday Inn Express in Clermont.

ADMINISTRATION COMMISSION

The **Administration Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Monday, September 25, 2006, 1:00 p.m.

PLACE: Cabinet Meeting Room (Room LL-03), The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Staff of the Administration Commission will meet to provide affected persons and other members of the public an opportunity for presentation of evidence, argument and oral statements on the Petition filed by the Agency for Persons with Disabilities for exemption to Chapter 120.57(1), F.S.

A copy of the Petition may be obtained by contacting: Barbara Leighty, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Barbara Leighty, Administration Commission, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 21, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Mega-Region Policy Discussion – Meeting participants will explore the concept of a “South-Central Florida Mega-Region” and discuss possible implications for economic, transportation, environmental, and human services planning efforts.

A copy of the agenda may be obtained by contacting: South Florida Regional Planning Council (SFRPC), 3440 Hollywood Boulevard, Suite 140, Hollywood, Florida 33021, (954)985-4416.

Persons who have been invited to this meeting include elected and appointed officials from various public and private organizations around the state including members of the South Florida Regional Planning Council and South Florida Regional Transportation Authority.

If you are hearing or speech impaired, please contact: the SFRPC, (954)967-4152, ext. 40 (TDD), for additional information regarding the meeting above. 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.

REGIONAL TRANSPORTATION AUTHORITIES

Notice is hereby given that the **South Florida Regional Transportation Authority**, Marketing Committee will hold a regular committee meeting on:

DATE AND TIME: Tuesday, September 19, 2006, 2:00 p.m.

PLACE: The Main Conference Room, SFRTA's Administrative Offices, 800 N.W. 33rd Street, Pompano Beach, FL 33064. Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone. Should you have any questions, please contact: SFRTA Marketing Office, (954)788-7935.

Any person who decides to appeal any decision made by the Marketing Committee with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact: the Executive Office, (954)788-7915.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064, (954)942-7245 for assistance; if hearing impaired, telephone 1(800)273-7545 (TTY) for assistance.

Notice is hereby given that the **South Florida Regional Transportation Authority**, Planning Technical Advisory Committee will hold a regular committee meeting on:

DATE AND TIME: Wednesday, September 20, 2006, 10:00 a.m.

PLACE: The Board Room of SFRTA's Administrative Offices, 800 N.W. 33rd Street, Pompano Beach, FL 33064. Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone. Should you have any questions, please contact: SFRTA Planning Office, (954)788-7928.

Any person who decides to appeal any decision made by the Planning Technical Advisory Committee with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact: the Planning Office, (954)788-7915.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064, (954)942-7245 for assistance; if hearing impaired, telephone 1(800)273-7545 (TTY) for assistance.

Notice is hereby given that the **South Florida Regional Transportation Authority**, Property Committee will hold a regular committee meeting on:

DATE AND TIME: Friday, September 22, 2006, 8:30 a.m.

PLACE: The Board Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

Should you have any questions, please contact SFRTA Planning Office, (954)788-7916.

Notice is hereby given that the **South Florida Regional Transportation Authority**, Governing Board will hold a meeting on:

DATE AND TIME: Friday, September 22, 2006, 9:30 a.m.

PLACE: The Board Room, South Florida Regional Transportation, Administration Building, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064

If you have any questions, please do not hesitate to contact the Executive Office, (954)788-7915.

Attendance by South Florida Regional Transportation Authority Board Members may be in person or via conference telephone.

Notice is hereby given that the **South Florida Regional Transportation Authority**, ADA Advisory Committee will hold a regular committee meeting on:

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

PLACE: The Main Conference Room, SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

Should you have any questions, please contact: SFRTA Planning Office, (954)788-7927.

Attendance by South Florida Regional Transportation Authority Committee Members may be in person or via conference telephone.

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this proceeding, must at least 48 hours prior to the meeting, provide a written request directed to: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064, (954)942-7245 for assistance; if hearing impaired, telephone 1(800)273-7545 (TTY) for assistance.

Any person who decides to appeal any decisions made by the Board or Committees with respect to any matter considered at this meeting or hearing, will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. If you have any questions, please do not hesitate to contact: the Executive Office, (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces meetings and public hearings to which all persons are invited.

DATE AND TIME: September 28, 2006, 1:45 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulations Committee meeting – to discuss the Environmental Resource Permitting program.

DATE AND TIME: September 28, 2006, 2:45 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Lands Committee meeting – to discuss District land acquisition matters.

DATE AND TIME: September 28, 2006, 3:45 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administration, Budget and Finance Committee – to discuss final current year amendment to budget and consideration of District property and casualty insurance request for proposals.

DATE AND TIME: September 28, 2006, 4:00 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of Governing Board – to consider District business.

DATE AND TIME: September 28, 2006, 4:15 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulatory Public Hearing – to consider regulatory matters.

DATE AND TIME: September 28, 2006, 4:30 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: District Lands Public Hearing – to consider land acquisition matters.

DATE AND TIME: September 28, 2006, 5:05 p.m. (CDT)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Budget Public Hearing – to consider adoption of Fiscal Year 2006-2007 Millage Rate and Budget.

PLACE: Jackson County Commission Chambers, 2864 Madison Street, Marianna, Florida 32448

A copy of these agendas can be obtained by contacting: Dorothy Cotton, Northwest Florida Water Management District, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999 or on the Internet at www.nfwfmd.state.fl.us

Appeal from any NFWFMD Board decision requires a record of the proceedings. Although Governing Board meetings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities or handicaps who need assistance or reasonable accommodation in order to participate in these meetings should contact Larry Wright at the District at least 72 hours in advance of these meetings to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

TOUR OF WATER SUPPLY FACILITIES

DATE AND TIME: Friday, September 22, 2006, 8:45 a.m.

PLACE: Tampa Bay Water's Regional Surface Water Treatment Plant, 2301 Water Lane, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Familiarize Board members with Tampa Bay Water's water supply facilities.

The group will tour the Tampa Bay Seawater Desalination Facility, 13041 Wyandotte Road, Gibsonton, Florida, the C. W. "Bill" Young Regional Reservoir, 12707 South County Road 39, Lithia, Florida, and the Tampa Bay Regional Surface Water Treatment Plant, 2301 Water Lane, Tampa.

BASIN BOARD EDUCATION COMMITTEE SPECIAL MEETING

DATE AND TIME: Friday, September 22, 2006, 10:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of issues concerning the proposed Tampa Children's Museum.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING

DATE AND TIME: Tuesday, September 26, 2006, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee meetings, Board meeting, and public hearing.

A closed attorney-client session will be held during the lunch break.

GOVERNING BOARD FINAL BUDGET HEARING

DATE AND TIME: Tuesday, September 26, 2006, 5:01 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board adoption of final millage rates and budget for Fiscal Year 2007.

GOVERNING BOARD COMMITTEE MEETINGS, BOARD MEETING, AND PUBLIC HEARING (If all items are completed at Tuesday's meeting, there will be no Wednesday meeting.)

DATE AND TIME: Wednesday, September 27, 2006, 9:00 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301, North, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct Committee meetings, Board meeting, and public hearing.

These are public meetings; agendas are available by contacting: the Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, Florida.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: October 13, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: Dial in: Suncom: 277-8540; Non-Suncom: 1(850)487-8540. SFWMD Headquarters, Building B-2, Conference Room "3N Upper Chain of Lakes"

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peer Review of the Everglades Landscape Model (ELM): Teleconference #3, for expert Review Panel deliberation on the Review Report of the ELM

A copy of the agenda may be obtained at: (1) District Website <http://my.sfwmd.gov/elm> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact the 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: H. Carl Fitz, the Hydrologic and Environmental Systems Modeling Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7512, West Palm Beach, FL 33406, (561)682-2080.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: November 16, 2006, 1:30 p.m. – 3:30 p.m.

PLACE: Dial in: Suncom: 277-8540; Non-Suncom: 1(850)487-8540. SFWMD Headquarters, Building B-2, Conference Room "3N Upper Chain of Lakes".

GENERAL SUBJECT MATTER TO BE CONSIDERED: Peer Review of the Everglades Landscape Model (ELM): Teleconference #4, for expert Review Panel deliberation on the Review Report of the ELM.

A copy of the agenda may be obtained at: (1) District Website <http://my.sfwmd.gov/elm> or (2) by writing: South Florida Water Management District, Mail Stop 2130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

Appeals from any South Florida Water Management District Board decision require a record of the proceedings. Although Governing Board meetings and hearings are normally recorded, affected persons are advised that it may be necessary for them to ensure that a verbatim record of the proceeding is made, including the testimony and evidence upon which the appeal is to be based.

Persons with disabilities who need assistance may contact: the 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: H. Carl Fitz, the Hydrologic and Environmental Systems Modeling Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 7512, West Palm Beach, FL 33406, (561)682-2080.

LAND AND WATER ADJUDICATORY COMMISSION

The **Lake St. Charles CDD** announces a public workshop to which all Lake St. Charles residents are invited.

DATE AND TIME: Tuesday, October 3, 2006, 7:00 p.m.

PLACE: 6801 Colonial Lake Drive, Riverview, Florida 33569

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Clubhouse Rental Fee Increase.

For additional information, please contact CDD District Office, (813)741-9768.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 19, 2006, 8:00 a.m. – 10:00 a.m.

PLACE: Callers within Tallahassee and outside Tallahassee: 1(888)808-6959. When prompted, enter Conference Code number 4142381 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting Ms. Frankie D. Leland, (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Frankie D. Leland, (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Elder Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 20, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Callers within Tallahassee and outside Tallahassee: 1(888)808-6959. When prompted, enter Conference Code number 4142381 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a meeting for the Examining Committee Curriculum Workgroup.

A copy of the agenda may be obtained by contacting Ms. Frankie D. Leland, (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Frankie D. Leland, (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Elder Affairs** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 22, 2006, 10:00 a.m. –12:00 Noon

PLACE: Callers within Tallahassee and outside Tallahassee: 1(888)808-6959. When prompted, enter Conference Code Number 4142381 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a meeting for the Examining Committee Curriculum Workgroup.

A copy of the agenda may be obtained by contacting: Ms. Frankie D. Leland, (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Frankie D. Leland, (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the State Consumer Health Information and Policy Advisory Council to which all interested parties are invited.

DATE AND TIME: Thursday, September 28, 2006, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, First Floor, Conference Rooms, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of key health care stakeholders to discuss issues relating to implementing Florida Statutes mandating transparency in health care through public reporting of health care data.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Cheryl Barfield, (850)414-5422, at least five calendar days prior to the meeting.

A copy of the agenda may be obtained by writing: Penny Bos, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will also be posted at <http://ahca.myflorida.com/SCHS/chismetings.shtml> seven (7) days prior to the meeting.

The **Agency for Health Care Administration**, Medicaid Reform Technical Advisory Panel announces the following meetings.

DATE AND TIME: September 21, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308. Dial-In Number 1(877)328-7346, Conf. ID# 5564027

DATE AND TIME: October 24, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308. Dial-In Number 1(877)328-7346, Conf. ID# 5567947

DATE AND TIME: November 16, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee FL 32308. Dial-In Number 1(877)328-7346, Conf. ID# 5568082

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: September 27, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308. If you are unable to attend in person, you may call (850)410-0967 to participate by telephone.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Low Income Pool (LIP) Council discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Edwin Stephens, (850)413-8067 or Suncom 294-8067.

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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, (850)413-8067 or Suncom 294-8067. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: October 20, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Via Conference Call: (850)487-8587. For those in Tallahassee, you may come to the The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Low Income Pool (LIP) Council discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Edwin Stephens, (850)413-8067 or Suncom 294-8067.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Edwin Stephens, (850)413-8067 or Suncom 294-8067. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Edwin Stephens, (850)413-8067 or Suncom 294-8067.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation**, Elevator Safety Technical Advisory Council, announces the following teleconference: The Elevator Safety Technical Advisory Council – Legislative Sub-committee Teleconference.

DATE AND TIME: September 20, 2006, 10:30 a.m.

PLACE: Telephone Number to call to participate: (850)488-8295 or Suncom 278-8295. Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, Hospitality Education Program, One Champions Way, Florida State University, Tallahassee, Florida 32306

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss possible legislation prior to the upcoming 2007 session.

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 disability or physical impairment should contact: Marlita Peters, the Department of Business and Professional Regulation, Hospitality Education Program, (850)644-9349, at least five (5) working days prior to the teleconference.

NOTICE OF CANCELLATION – The Division of Hotels and Restaurants announces the cancellation of a meeting of the Hotels and Restaurants Advisory Council scheduled for:

DATE AND TIME: September 8, 2006, 3:00 p.m. – 5:00 p.m.

Quorum could not be established at this time.

The person to be contacted regarding the public meeting is: Marlita Peters, Administrative Assistant III, Department of Business and Professional Regulation, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, FL 32399-1014, (850)644-2051.

The Florida **Board of Architecture and Interior Design** announces the following meeting which all persons are invited to attend.

DATE AND TIME: October 24, 2006, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business: discussion items include – architecture profession, interior design profession, rules, and review of applications.

DATE AND TIME: October 25, 2006, 9:00 a.m. (Eastern Time)

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Business.

PLACE: Boca Hilton Cocoa Beach Oceanfront, 1550 N. Atlantic Avenue, Cocoa Beach, FL 32931, (321)799-0003

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)487-8304, at least five calendar days 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 **Board of Landscape Architecture** announces the following meeting, to be held by telephone conference call, to which all persons are invited to attend.

DATE AND TIME: September 25, 2006, 10:00 a.m.

PLACE: Access Phone #: 1(888)808-6959; Conference Code # 9218690

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General Board and Business meeting.

To obtain a copy of the agenda, further information, or submit written or other physical evidence, contact in writing: Board of Architecture and Interior Design, 1940 N. Monroe St., Tallahassee, Florida 32399.

If a 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 a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Board office at (850)922-7154, at least five calendar days 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 **State Boxing Commission** announces a meeting to which all interested persons are invited. Access to the meeting may be obtained by attending in person at the remote

location listed below or by calling, at least forty-eight (48) hours prior to the meeting, (850)488-8500 or Suncom 278-8500.

DATE AND TIME: Tuesday, October 3, 2006, 8:30 a.m.

PLACE: 1940 North Monroe Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a general business meeting of the Commission.

A copy of the agenda may be obtained by writing: Florida State Boxing Commission, ATTN: Thomas Molloy, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32399.

Any person deciding to appeal a decision made by the Commission 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 the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodation at this meeting because of a disability or physical impairment should contact: Lina Hurtado, Administrative Assistant, (850)488-8500, at least forty-eight (48) hours prior to the meeting. If you are hearing or speech impaired, please contact the Commission office using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection**, Water Quality Standards and Special Projects Program announces a hearing to which all persons are invited.

DATE AND TIME: September 28, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, 3900 Commonwealth Blvd., Conference Room A, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection announces a rescheduling of the rulemaking hearing to consider proposed amendments to Chapter 62-302, Florida Administrative Code, as part of the current triennial review of state surface water quality standards (OGC No. 05-1788). The original notice of proposed rulemaking, published in the July 28, 2006 issue of the F.A.W., Vol. 32, No. 30, pp. 3433-3445, stated that the proposed rule amendments were scheduled for consideration and possible adoption by the Department's Environmental Regulation Commission (ERC) on August 31, 2006. The ERC hearing scheduled for August 31, 2006, was cancelled in response to the threat of Tropical Storm Ernesto. The proposed rule amendments are now scheduled for hearing before the ERC at the date, time and place shown above.

A copy of the agenda may be obtained by contacting: Eric Shaw, Department of Environmental Protection, Water Quality Standards and Special Projects Program, 2600 Blair Stone Road, MS 3570, Tallahassee, Florida 32399-2400, (850)245-8429.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Eric Shaw, (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection**, Bureau of Watershed Management announces a hearing to which all persons are invited.

DATE AND TIME: September 28, 2006, 9:00 a.m.

PLACE: Florida Department of Environmental Protection, Conference Room A, 3900 Commonwealth Blvd., Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Environmental Protection announces the rescheduling of the rulemaking hearing for consideration of proposed amendments to Chapter 62-303, Florida Administrative Code. The original notice of proposed rulemaking, published in the August 4, 2006, issue of the F.A.W., Vol. 32, No. 31, pp. 3599-3613, stated that the proposed rule amendments were scheduled for consideration and possible adoption by the Florida Environmental Regulation Commission (ERC) on August 31, 2006. However, the ERC hearing scheduled for August 31, 2006, was cancelled in response to the threat of Tropical Storm Ernesto. As a result, the proposed rule amendments are now scheduled for hearing before the ERC at the date, time, and place shown above.

A copy of the agenda may be obtained by contacting: Daryll Joyner, Department of Environmental Protection, Bureau of Watershed Management, 2600 Blair Stone Road, MS 3510, Tallahassee, Florida 32399-2400, (850)245-8431.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Nancy Moulds, (850)245-2242. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF JUVENILE JUSTICE

The Florida **Department of Juvenile Justice** announces a public hearing to which all persons are invited.

DATE AND TIME: Friday, September 22, 2006, 10:00 a.m. – 12:00 Noon

PLACE: DJJ Headquarters, 2737 Centerview Dr., Room 312, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Draft emergency rules governing the Sheriff's Training and Respect (STAR) Program, and Protective Action Response.

A copy of the agenda and proposed draft rules may be obtained by contacting: Clyde Benedix, 2737 Centerview Drive, Ste. 312-I, Tallahassee, FL 32399-3100, e-mail clyde.benedix@djj.state.fl.us.

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Thursday, September 28, 2006, 9:30 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, at Meet Me Number (850)921-6545.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Chiropractic Medicine, (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).

The Florida **Board of Medicine**, Probable Cause Panel (South), announces a telephone conference call to be held via meet me number.

DATE AND TIME: September 22, 2006, 3:00 p.m.

PLACE: Meet Me Number: (850)922-2903

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by writing: Gaynetta Rosier, Regulation Specialist II, Agency for Health Care Administration, Medical Services, Palmer Building, P. O. Box 14229, Tallahassee, Florida 32317-4229.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Medical Litigation Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Medical Litigation Section may be contacted at: P. O. Box 14229, Tallahassee, Florida 32317-4229, (850)922-2414, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice) via Florida Relay Service.

The **Board of Nursing Home Administrators**, Probable Cause Panel will hold a duly noticed meeting to which all persons are invited to attend.

DATE AND TIME: Monday, October 2, 2006, 10:00 a.m.

PLACE: Department of Health, 4042 Bald Cypress Way, Tallahassee, Florida, Meet Me Number (850)487-8540.

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item may be obtained by writing: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Any person requiring special accommodations at this meeting because of a disability or physical impairment should contact the Board of Nursing Home Administrators, (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).

The Florida **Board of Nursing** and Council on Certified Nursing Assistants will hold its duly noticed public meeting, to which all persons are invited to attend, as follows:

DATES AND TIMES: Wednesday, October 11, 2006, 8:30 a.m. – 3:30 p.m., Council on Certified Nursing Assistants; Wednesday, October 11, 2006, 6:00 p.m., Practice Committee; Wednesday, October 11, 2006, 6:15 p.m., Legislative Committee; Wednesday, October 11, 2006, Education Meeting immediately following the Legislative Meeting; Thursday, October 12, 2006, 8:30 a.m., Credentials Committee; Thursday, October 12, 2006, 8:30 a.m., Education Committee; Thursday, October 12, 2006, 1:00 p.m., Full Board Meeting; Friday, October 13, 2006, 8:30 a.m., Full Board Meeting

PLACE: Radisson Mart Plaza, 711 N. W. 72nd Street, Miami, FL 33126, (305)261-3800

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board, Council and Committees.

FISH AND WILDLIFE CONSERVATION COMMISSION

Notice is hereby given by **Fish and Wildlife Conservation Commission** of the following meetings, to which all persons are invited.

DATE AND TIME: September 25, 2006, 7:00 p.m.

PLACE: FWC South Regional Office, Everglades Conference Room, 8535 Northlake Boulevard, West Palm Beach, Florida

DATE AND TIME: September 26, 2006, 7:00 p.m.

PLACE: Division of Plant Industry, Auditorium, 1911 S. W. 34th Street, Gainesville, FL 32608

DATE AND TIME: September 27, 2006, 7:00 p.m.

PLACE: Florida Wildlife Research Institute, 1st Floor, Conference Room, 100 8th Avenue, St. Petersburg, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Requirements for state authorizations for all activities with threatened and endangered marine turtles, including nesting surveys, stranding work, research, captive facilities, and educational display as required by Florida Administrative Code Chapter 68E-1, Marine Turtle Permits.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dr. Robbin Trindell, (850)922-4330 or robbin.trindell@myfwc.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a public hearing to which all persons are invited.

DATE AND TIME: Friday, September 22, 2006, 10:00 a.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol). Contact name and number: Lori Fitzsimmons, Esquire, (850)413-4158 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Federated National Insurance Company has requested a 49.5% average statewide rate increase for its homeowners insurance. The requested rate increase is not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any

purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Federated."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone: Sam Coskey, (850)413-2616 or e-mail him at sam.coskey@fldfs.com, 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: Friday, September 22, 2006, 1:00 p.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol). Contact name and number: Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Homewise Insurance Company has requested a 75.8% average statewide rate increase for its homeowners insurance (wind only program). The requested rate increase is not uniform and some areas are subject to a higher rate increase. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Homewise."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com 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: Thursday, September 28, 2006, 10:00 a.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol). Contact name and number: Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Liberty American Select Insurance Company has requested average statewide rate increases of 44.8% and 96.2% for its homeowners and dwelling fire programs, respectively. Liberty American Insurance Company has requested a 95.8% average statewide rate increase for its condo unit owners insurance. These requested rate increases are not uniform and some areas

are subject to higher rate increases. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: the Office of Insurance Regulation at ratehearings@fldfs.com; the subject line of your e-mail should read "Liberty."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone: Sam Coskey, (850)413-2616 or e-mail him at sam.coskey@fldfs.com 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: Thursday, September 28, 2006, 1:00 p.m.

PLACE: 401 Senate Office Building, Tallahassee, Florida (adjacent to The Capitol). Contact name and number: Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Family Insurance Company has requested average statewide rate increases of 14.8% and 27.7% for its homeowners and dwelling fire programs, respectively. The requested rate increases are not uniform and some areas are subject to higher rate increases. Florida law allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from the insurers as well as interested parties will be received at this public hearing.

If you are unable to attend this public hearing, please forward your comments to: the Office of Insurance Regulation at ratehearings@fldfs.com, the subject line of your e-mail should read "Florida Family."

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this hearing, please telephone: Sam Coskey, (850)413-2616 or e-mail him at sam.coskey@fldfs.com at least 48 hours before the hearing.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: October 3, 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 Public Hearing on the adoption of proposed amendments to Rules 69P-2.001 and 69P-2.002, Florida Administrative Code, published on September 8, 2006 in Vol. 32, No. 36, of the F.A.W. 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: Abby London, abby.london@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

69P-2.001 Purpose.

~~The purpose of this rule is to adopt a joint underwriting plan to equitably apportion among insurers authorized in this state to write property and casualty insurance the underwriting of insurance to persons with risks eligible, as defined in the statutes and this rule, and who are in good faith entitled to, but are unable to, obtain an adequate level of insurance coverage, including excess coverage, through the voluntary market. Upon adoption of this plan, all insurers authorized in this state to underwrite property or casualty insurance shall participate in this plan. This plan shall be construed to conform, and, when necessary, amended to conform to the provisions of Subsection 627.351(5), Florida Statutes. The purpose of these rules is to adopt a Plan for the provision of property and casualty insurance coverage to persons in Florida who are eligible for such insurance coverage when such coverage must be provided by the Florida Property and Casualty Joint Underwriting Association as specified in Section 627.351(5), Florida Statutes.~~

Specific Authority 624.308(1), 627.351(5) FS. Law Implemented 624.307(1), 627.351(5) FS. History—New 8-13-89, Formerly 4-87.001, 4J-2.001, Amended _____.

69P-2.002 Adoption of Property and Casualty Risk Apportionment Plan.

~~The Florida Property and Casualty Joint Underwriting Association Plan of Operation, as amended April, 1991, and Articles of the Association are hereby adopted as the plan for property and casualty insurance risk apportionment in Florida and incorporated by reference.~~

(1) The following terms have the following meanings for purposes of this rule:

(a) “Adequate level of coverage” means that coverage which is required by state law or by responsible or prudent business practices.

(b) “Assessable Premium” means the net direct premiums of each participating insurer for commercial property insurance risks written by the insurer, excluding the premium associated with commercial residential insurance policies. Assessable Premium does not include premium associated with liability insurance or kinds of insurance other than property insurance.

(c) “The Association” means the Property and Casualty Joint Underwriting Association.

(d) “Market assistance plan” means the market assistance plan adopted pursuant to Section 627.3515, Florida Statutes.

(e) “Net direct premium” means gross direct premiums, including policy and membership fees less return premiums and premiums on policies not taken.

(f) “Office” means the Office of Insurance Regulation.

(g) “Participating insurer” means each and every insurer authorized in this state to underwrite commercial property insurance. The term does not include an insurer who writes only reinsurance and does not write direct insurance in this state.

(h) “Qualifying quoted premium” means a quote on coverage from an insurer that meets the following criteria:

1. In the case of an authorized carrier, the quoted premium must not exceed the premium available for a given classification currently in use by the Association or the premium developed by using the rates and rating plans on file with the Office by the quoting insurer, whichever is greater.

2. In the case of an unauthorized surplus lines insurer, the quoted premium must not exceed the premium available for a given classification currently in use by the Association by more than 25 percent, after consideration of any individual risk surcharge or credit.

(i) “Servicing carrier” means a participating insurer which agrees to be and is designated by the office to provide policyholder and claims service, including the issuance of policies, on behalf of the participating insurers.

(j) “Substantially impair the ability of the entity to conduct its affairs” means that the lack of insurance would result in one or more of the following conditions:

1. An event of default on an existing business loan or mortgage; or

2. A structure that is necessary for the business to continue operations could not be rebuilt in the event of a catastrophe; or

3. The business entity could not continue to meet its legal obligations.

(k) “Unavailable in the voluntary market” means that the insured or agent has made a diligent search, has made a good-faith application for coverage from a minimum of one surplus lines insurance company, and three authorized insurance companies, and the Florida Market Assistance Plan has made a search and an adequate level of coverage has not been found or the quoted premium exceeds the limitations of Section 627.351(5)(a) i.e., Florida Statutes.

(2) Powers of the Association. The Association may perform any activity involved in the business of insurance including the borrowing of funds and entering into financing agreements.

(3) The Board of Governors. The Association shall be overseen by a thirteen-member Board of Governors (hereinafter “the Board”) as provided by statute. Board members shall be appointed to serve two-year terms, but may be removed and replaced at any time by the Chief Financial Officer. The first term of office for all Board members shall begin upon the date of the Chief Financial Officer’s first

appointment and shall expire two years later unless replaced by the Chief Financial Officer at an earlier time. Any replacement appointments also shall be made for a period of two years. Four of the Board members shall be representatives of insurance company trade associations, and two members shall be representatives of agent associations. The remaining seven members may be any persons appointed by the Chief Financial Officer. The Board may appoint committees and advisory groups as it deems necessary. The Risk Underwriting Committee is appointed in the manner provided by the statute and is not a committee or subcommittee of the Board. However, its decisions are limited to the determination of eligibility of individual risks for coverage. The Board retains the authority to design the policy forms and rates for the insurance to be offered by the Association, subject to approval by the Office.

(4) Board Meetings. The Board shall meet as often as necessary, but at least twice annually. The Board will conduct its meetings in accordance with Robert's Rules of Order and will make its decisions on a simple majority of all Board members present unless otherwise provided by statute. Board meetings shall be conducted in compliance with Chapter 286, Florida Statutes (the Sunshine Law).

(5) Board Powers and Immunities. Board members are authorized to perform any activity that Directors of corporations may perform and any activity of the Association. Pursuant to Section 627.351(5)(f), Florida Statutes, Board members and employees of the Association are immune from liability for their actions taken in the performance of their duties for the association. In the event that a Board member is served with a civil complaint with respect to any business of the Association, the Board member shall be entitled to indemnification from the Association for costs and reasonable attorney's fees unless and until a determination is made by a court of competent jurisdiction that the Board member engaged in conduct that constitutes a felony under Florida law. Board members are also entitled to reimbursement for the ordinary costs of attending meetings, but are not otherwise entitled to salaries for Board service.

(6) Contracts and Employees.

(a) The Board may enter into contracts with experts and other advisors to assist in conducting the business of the Association at rates negotiated for each engagement. To the extent possible, unless the contract would be exempt from competitive bid for a state agency or unless the Board determines that an emergency exists, contracts for more than \$100,000 in any year shall be competitively bid, and contracts under \$100,000 shall be awarded only after a minimum of three quotes are obtained from competing vendors. The Association may enter into contracts with other statutorily-created entities such as other JUA's, guaranty

associations or their managers, the Market Assistance Plan, or the Florida Hurricane Catastrophe Fund without competitive bids or quotes.

(b) The Board may hire such staff and executive staff as it deems necessary to be compensated by the Association. The Board shall make every effort to retain executive staff with previous experience or expertise in the commercial property insurance market. Because Section 627.351(5), Florida Statutes, requires that a servicing carrier be used for policyholder services, the Association is not expected to hire an extensive staff. However, it shall retain as many employees as necessary to ensure that an appropriate level of policyholder service is maintained.

(c) The Board shall designate positions that are to function as Senior Management of the organization. All senior managers and Board members shall comply with Part III of Chapter 112, Florida Statutes, including the code of ethics, and the public disclosure and reporting of financial interests pursuant to Section 112.3145, Florida Statutes. Senior managers and Board members are required to file such disclosures with the Office. At least quarterly, the executive director shall submit a list of the names of the senior managers and members of the Board of Governors to the Commission on Ethics.

(d) A senior manager of the Association may not represent a person or entity before the Association for a period of two years after the date of termination of employment. The Board shall implement a detailed Ethics and Conflicts of Interest Policy and a Policy for Procurement of Contracts that avoids any actual or apparent conflict of interest by any employee, vendor, or Board member of the association.

(7) Appointment of Servicing Carriers. The Office may appoint one or more participating insurance companies to service policies either for policy issuance, claims, or any combination of services. The Association shall pay the fees of such appointed servicing carrier pursuant to a contract negotiated between the carrier and the association, and subject to the approval of the Office.

(8) Form of the insurance to be written by the Association. The Association may write commercial property insurance including direct insurance, excess insurance, and reinsurance of commercial property risks.

(9) Eligibility of Risks.

(a) A risk shall be eligible for such commercial property insurance as is required by Florida law if the insurance is unavailable in the voluntary market, including the market assistance program and the surplus lines market.

(b) A commercial risk not eligible under paragraph (a) (that is, because the coverage is not required by Florida law) shall be nevertheless eligible for such commercial property insurance if:

1. The insurance is unavailable in the voluntary market, including the market assistance plan and the surplus lines market in accordance with paragraph (1)(k); and

2. Failure to secure the insurance would substantially impair the ability of the entity to conduct its affairs; and

3. The risk is not determined by the Risk Underwriting Committee to be uninsurable.

(10) Classification System. For purposes of this rule commercial property insurance is considered a class of property insurance. Other classes of insurance may not be written by the Association without an amendment to this rule.

(11) Market Assistance Plan; Activation of Coverage.

(a) If the market assistance plan receives a minimum of 100 commercial property quote requests within a 3-month period, or 200 commercial property quote requests within a 1-year period or less, for a given class of risk contained in the classification system defined in the plan of operation of the Association, and unless at least 80 percent of such applicants find coverage as a result of the market assistance program referral at or below the qualifying quoted premium, the Commercial Property Insurance class of risk shall immediately be eligible for coverage in the Joint Underwriting Association.

(b) Any market assistance plan application that is rejected because an individual risk is so hazardous as to be practically uninsurable, or because the likelihood of a loss for such a risk is substantially higher than for other risks of the same class due to individual risk characteristics, prior loss experience, unwillingness to cooperate with a prior insurer, physical characteristics and physical location, will be excluded from the minimum percentage calculation provided in paragraph (a).

(c) In the event that there is any legal or administrative challenge to a determination by the Office that the conditions of this subsection have been met for eligibility for coverage in the Association for a given classification, any eligible risk may obtain coverage during the pendency of any such challenge.

(12) Removal of Risks.

(a) The Association shall establish a procedure to identify and remove risks from the plan once such risks no longer meet the eligibility requirements for coverage by the Association. At each 6-month interval after the activation of any class of risks, the Board of Governors or its designated committee shall review the number of applications to the market assistance plan for that class. If, based on such review, it is determined that at least 90 percent of such applications have been provided a qualifying quoted premium, the Association shall cease underwriting new applications for such class within 30 days, and notification of this decision shall be sent to the Office, the major agents' associations, and the Board of Directors of the market assistance plan. All policies which were previously written for that class shall continue in force until their normal expiration date, at which time, subject to the required timely notification of nonrenewal by the Association, the insured may then elect to reapply to the Association according to the

requirements of eligibility. If, upon reapplication, those previously insured Association risks meet the eligibility requirements, the Association shall provide coverage available from the Association.

(b) In addition, the Board may establish a plan for transfer of risk from the Association to other entities either through reinsurance or other risk transfer or risk financing mechanisms. The cost of such reinsurance or other risk transfer or risk financing arrangements may be included in the rates of the Association.

(13) Equitable apportionment of profits, losses and expenses.

(a) In the event an underwriting deficit exists for any calendar year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available.

(b) As to any remaining deficit, the Board of Governors of the Association shall levy and collect an assessment from participating insurers in an amount sufficient to offset such deficit. Such assessment shall be levied against the insurers participating in the plan during the year giving rise to the assessment. Any assessments against insurers for the lines of property insurance issued to commercial risks shall be recovered from the participating insurers in the proportion that the assessable premium of each insurer for commercial risks written during the preceding calendar year bears to the aggregate assessable premium written by all members of the plan for the lines of insurance included in the plan.

(c) The Board shall take all reasonable and prudent steps necessary to collect the amount of assessment due from each participating insurer and policyholder, including, if prudent, filing suit to collect such assessment. If the Board is unable to collect an assessment from any insurer, the uncollected assessments shall be levied as an additional assessment against the participating insurers and any participating insurer required to pay an additional assessment as a result of such failure to pay shall have a cause of action against such nonpaying insurer. In addition, the failure of an insurer to pay an assessment timely shall constitute a violation of this rule subjecting the insurer to administrative action by the Office.

(14) Recoupment of Assessments. An insurer or insurer group may recoup any assessments that have been paid to the Association as provided for in Section 627.3512, Florida Statutes.

(15) Procedure for Assessments.

(a) Annually, no later than March 31, the Board shall calculate the participation ratio of each participating insurer and issue it to the insurer. The participation ratio is the share of any assessment that would be borne by that insurer, if an assessment is determined to be necessary. An insurer that disagrees with its participation ratio calculation has 30 days

from issuance of the ratio within which to appeal to the Board to change the participation ratio calculation. If an insurer fails to appeal the calculation within 30 days from the date of issuance, the calculation for each participating insurer becomes final and unappealable.

(b) To issue an assessment, the Board shall determine that the need for an assessment exists, and shall certify the need and the amount of the assessment to the Office. The Board may determine that an assessment is needed for start-up costs for the Association. The Office shall provide the Board with a list of participating insurers and the corresponding reported Assessable Premium volume. The Association may then apply any credits earned by the insurer and issue an assessment invoice to each participating insurer.

(c) The invoice must be paid within 30 days, provided, however, that if a hurricane makes landfall in Florida and the Board anticipates that the assessment will be needed to fund claim payments, the Board may require the invoice be paid within 10 days. In addition to the civil action provided by statute, the failure of an insurer to pay an invoice when due shall constitute a violation of this rule subjecting the insurer to administrative action by the Office.

(16) Credits Against Assessments. The Board shall adopt a plan, subject to the approval of the Office, to provide each participating insurer the opportunity to earn credits against any deficit assessment for commercial property risks voluntarily written through the Market Assistance Plan by such insurer. Credits may be based upon the premium or policy limits for risk taken by the insurer pursuant to contract of excess insurance coverage or a reinsurance contract between the insurer and the Association. Credits may also be established, and may be greater, for risks taken by the insurer where the insurer writes the insurance coverage through the Market Assistance Plan without any participation by the Association whether or not the risk has been insured by the Association in preceding years. The Board may file amended plans for credit against assessments as often as necessary to encourage participation by the voluntary market. The plans shall be effective when approved and shall apply prospectively to assessments levied for the plan year during which they are in effect. The credit plan may provide for no credits to be given in the event that bonds are issued and the assessment is being made for the purpose of repayment of bond debt. An insurer shall not receive credits for its participation in a policy for an insured which it had nonrenewed or cancelled within the two years preceding the inception of the policy issued to the same insured by the Association.

(17) Reporting Requirements. The Board may establish the format of a report to be sent each quarter to each participating insurer, with respect to its commercial property written, informing the insurer of its share of profits, losses, and expenses under the plan. The Office may also establish the format of a report to be sent each quarter to the Office by each

participating insurer with respect to its commercial property written reporting the volume of net direct premium to enable the Office to calculate each insurer's portion of any potential deficit assessment under this plan. The Office may require separate reporting for commercial residential and commercial non-residential risks for each line of insurance listed in the report. The lines of insurance anticipated to be included are lines 1, 2, 5.1, 5.2, 3, and 12 of the state page of the annual statement. The purpose of including the commercial residential premium written for property risks is solely to allow the total on the report to correlate to annual statement reporting, and is not intended to make commercial residential property premium part of the assessment base for this Association.

(18) Financing Arrangements.

(a) There are three different aspects of financing in which the Association is involved:

1. Financing for Operations – The Board may borrow money and may enter into financing agreements to fund start-up costs, operating expenses, or claim payments and associated loss adjustment expenses that occur during the existence of the Association.

2. Assessments for Underwriting Deficits – In the event an underwriting deficit exists for any calendar year the plan is in effect, any surplus which has accrued from previous years and is not projected within reasonable actuarial certainty to be needed for payment for claims in the year the surplus arose shall be used to offset the deficit to the extent available. As to any remaining deficit, the Board shall levy and collect an assessment as provided above.

3. Assessments Following Issuance of Bonds – The governing body of any unit of local government, any residents or businesses of which are insured by the Association, may issue bonds as defined in Section 125.013, Florida Statutes, or Section 166.101, Florida Statutes, from time to time to fund an assistance program, in conjunction with the Association, for the purpose of defraying deficits of the Association. Revenue bonds may not be issued until validated pursuant to Chapter 75, Florida Statutes, unless a state of emergency is declared by executive order or proclamation of the Governor pursuant to Section 252.36, Florida Statutes, making such findings as are necessary to determine that it is in the best interests of, and necessary for, the protection of the public health, safety, and general welfare of residents of this state and the protection and preservation of the economic stability of insurers operating in this state, and declaring it an essential public purpose to permit certain municipalities or counties to issue such bonds as will provide relief to claimants and policyholders of the joint underwriting association and insurers responsible for apportionment of association losses. The unit of local government shall enter into such contracts with the Association as are necessary to carry out this subsection. Any bonds issued shall be payable from and secured by moneys received by the Association from assessments under this subsection, and

assigned and pledged to or on behalf of the unit of local government for the benefit of the holders of such bonds. The funds, credit, property, and taxing power of the state or of the unit of local government shall not be pledged for the payment of such bonds. If any of the bonds remain unsold 60 days after issuance, the Office shall require all insurers subject to assessment to purchase the bonds, which shall be treated as admitted assets; each insurer shall be required to purchase that percentage of the unsold portion of the bond issue that equals the insurer's relative share of assessment liability under this subsection. An insurer shall not be required to purchase the bonds to the extent that the Office determines that the purchase would endanger or impair the solvency of the insurer.

(b) Section 627.351(5)(c)6.a., Florida Statutes, states, "The Legislature finds that the potential for unlimited assessments under this paragraph may induce insurers to attempt to reduce their writings in the voluntary market, and that such actions would worsen the availability problems that the Association was created to remedy. It is the intent of the Legislature that insurers remain fully responsible for covering any deficits of the association; however, it is also the intent of the Legislature to provide a means by which assessment liabilities may be amortized over a period of years." The total amount of deficit assessments with respect to the deficit in any year may not exceed 10 percent of the Assessable Premium for all insurers for the prior year, except that if the deficit with respect to any plan year exceeds such amount and bonds are issued to defray the deficit, the total amount of assessments with respect to such deficit may not in any year exceed 10 percent of the original deficit, or such lesser percentage as is sufficient to retire the bonds as determined by the Board, and shall continue annually until the bonds are retired.

(19) Deferment of Assessments. An assessment of an insurer may be deferred, in whole or in part, if the Office finds that payment of the assessment would endanger or impair the solvency of the insurer. In the event an assessment against an insurer is deferred in whole or in part, the amount by which such assessment is deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments.

(20) Risk Underwriting Committee.

(a) A Risk Underwriting Committee of the Joint Underwriting Association composed of three members experienced in evaluating insurance risks is created to review risks rejected by the voluntary market for which application is made for insurance through the joint underwriting plan. The committee shall consist of a representative of the market assistance plan created under Section 627.3515, Florida Statutes, a member selected by the participating insurers, and a member named by the Chief Financial Officer. The Risk Underwriting Committee shall appoint such advisory committees as are provided for in the plan and are necessary to conduct its functions. The Association may pay or reimburse

the salaries and expenses of the members of the Risk Underwriting Committee and its advisory committees for the time spent on behalf of the Risk Underwriting Committee. The Risk Underwriting Committee shall recommend a plan, subject to approval by the Office, to establish criteria and procedures for use by the Risk Underwriting Committee for determining whether an individual risk is so hazardous as to be uninsurable. In making this determination and in establishing the criteria and procedures, the following shall be considered in addition to criteria commonly used in the market for determining the insurability of the risk:

1. Whether the likelihood of a loss for the individual risk is substantially higher than for other risks of the same class; and

2. Whether the uncertainty associated with the individual risk is such that an appropriate premium cannot be determined.

(b) The Risk Underwriting Committee shall not be required to review a risk for insurability if an authorized insurer agrees to accept some portion of the risk under an excess of loss contract or reinsurance contract between the insurer and the Association. In accordance with the statute, the acceptance or rejection of a risk by the Underwriting Committee is final and is the private placement of insurance, and is not subject to the provisions of the Administrative Procedure Act, Chapter 120, Florida Statutes.

(21) Policy Forms and Applications.

(a) No policy or policy form shall be used unless it has been approved by the Office. The Association may offer coverage that is more restrictive than the coverage offered by the voluntary market, and may limit its property coverage for a particular risk to cover only a specified structure or structures. It may limit coverage for contents or business interruption and may provide coverage limited to the value of the insured structure. It may offer direct insurance, excess insurance or reinsurance if approved by the Board and the Office.

(b) The application form to be required of insureds shall also be filed and must be approved by the Office prior to its use by the Association. The application form must include, as a minimum, the following:

1. Underwriting information on each building that is to be insured.

2. The name of the prior insurer of the account, if any, along with a copy of the policy or declarations page showing the coverage written for the year prior to application.

3. A copy of any non-renewal or cancellation notice issued by the prior insurer.

4. A certification from the agent that a good-faith effort has been made to find coverage and that the coverage is unavailable in the voluntary market, including a list of the three carriers, plus the surplus lines carrier to which the risk was submitted.

(22) Underwriting Rules. Underwriting Rules shall be filed and shall not be used until approved by the Office of Insurance Regulation. The Underwriting Rules shall include a

requirement that the application for coverage be submitted to the Market Assistance Plan prior to coverage by the Association. A waiting period of a minimum of ten days shall be required as an underwriting requirement to afford the voluntary market a reasonable opportunity to underwrite and take the risk. In an emergency, the waiting period may be waived upon terms and conditions established in the underwriting rules of the Association. Inspections may be required.

(23) Rates. The Association shall establish a rating plan to be filed with and approved by the Office in advance of implementation. Rates shall be actuarially sound and consistent with the applicable standards of Sections 627.062 and 627.351(5), Florida Statutes. The Association may have multiple programs for direct insurance, excess insurance, and reinsurance business, and may establish a separate rating plan for each program. The rating plan shall include the following:

(a) An appropriate rate level or levels for risks with loss experience equal to or better than that contemplated by the expected loss ratio in the filing.

(b) An appropriate rate level or levels for risks with loss experience worse than that contemplated by the expected loss ratio in the filing.

(24) Deductibles. The Association may establish in its rating plan(s) applicable deductibles as may be necessary to meet the needs of the insureds and to protect the interests of the Association. A deductible of five percent shall apply for the initial policies written by the Association. If the Board determines that a higher or lower deductible amount is needed, the Board may approve different deductibles for each of its programs, file an amended rating plan with the Office, and upon Office approval, offer policies with the new approved deductible amount.

(25) Policy Limits. The Board may establish reasonable limits on available amounts of insurance. Initial policies issued by the Association shall have limits not exceeding one million dollars. If the Board determines that higher or lower limits are needed, the Board may adopt different limits, and file an amended rating plan and policy form with the Office. Upon Office approval, the Association may offer policies with the new approved limits.

(26) Commissions. The commissions payable to producers shall be determined by the Board and set forth in the Association's rating plan, but shall be less than the typical commissions earned for the sale or placement of risk with a private insurance company, and shall not reward an agent for placing a higher volume of risk with the Association.

(27) Policy Cancellations and Renewals.

(a) Unless otherwise required by law, the Board may establish procedures for the cancellation of policies for nonpayment of premium, misrepresentation of material fact, or failure to comply with risk management programs or other underwriting criteria. Policies may also be cancelled or

nonrenewed if there has been a substantial and material change in the nature of the risk that renders it uninsurable or otherwise ineligible for coverage by the Association. Return premiums shall be on a pro rata basis unless determined otherwise by the Board and included in the rating plan.

(b) Renewals may be offered, but each risk shall apply for renewal prior to the expiration of the policy period and shall include with its application for renewal such information as the Association may reasonably require to confirm that the risk remains eligible for coverage.

(28) Risk Management Programs. The Board may establish Risk Management Programs and require compliance with such programs as a condition of coverage at policy inception and as a condition of renewal. The Risk Management Programs may require reasonable efforts to mitigate against the risk of loss from hurricanes, including the installation of shutters, tied-down roofing materials, and other devices designed to prevent unnecessary losses from the peril of wind. The Risk Management Programs shall be included in the Association's underwriting rules subject to approval by the Office.

(29) Amendments to this Plan of Operation of the Association. The Board of Governors may adopt amendments to this plan of operation to be submitted for review to the Office. The Office will review the amendments and may place the proposed plan amendments on the calendar for a meeting of the Financial Services Commission for approval. Plan amendments shall not be effective until approved by the Financial Services Commission.

(30) Deactivation of the Joint Underwriting Association.

(a) If, at any time, the Financial Services Commission determines that the purposes of the Association have been served or that the Association is no longer necessary or advisable, the Financial Services Commission may deactivate the Association. Such deactivation plan shall provide that upon deactivation, the assets of the Association shall be applied first to pay all debts, claims, liabilities, expenses and obligation of the Association including the establishment of reasonable reserves for any contingent liabilities or obligations. Any remaining assets shall be paid to the state of Florida and deposited into or for the benefit of the Florida Comprehensive Hurricane Damage Mitigation Program, the Florida Hurricane Catastrophe Fund or such other fund as may be designated by the Financial Services Commission. However, no deactivation shall take effect as long as the Association has bonds or other financial obligations outstanding unless adequate provision has been made for the payment of the bonds or other financial obligations pursuant to the documents authorizing the issuance of the bonds or other financial obligations.

(b) Deactivation by the Financial Services Commission is the only method for termination of the business of the Association. The Association shall not be subject to the appointment of a receiver pursuant to Chapter 631, Florida

Statutes, and no employee. Board member, insured, participating insurer or other person is authorized to file for bankruptcy protection of the Association on a voluntary or involuntary basis.

Specific Authority 624.308(1), 627.351(5) FS. Law Implemented 624.307(1), 627.351(5) FS. History--New 8-13-89, Formerly 4-87.001, 4J-2.001, Amended.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: October 3, 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 Public Hearing on the adoption of proposed amendments to Rule 690-170.0155, Florida Administrative Code, published on September 8, 2006 in Vol. 32, No. 36, of the F.A.W. 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 Michael Milnes at E-mail: michael.milnes@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-170.0155 Forms.

The following forms are hereby adopted and incorporated by reference:

- (1)(a) through (i) No change.
- (j) OIR-B1-1655, "Notice of Premium Discounts for Hurricane Loss Mitigation," (Rev. 10/06) (New 10/1/05).

(2) All Office of Insurance Regulation forms may be obtained from:

(a) The ~~Office's Department of Financial Service's~~ web site located at ~~https://www.floir.com~~ <https://www.fldfs.com>; or

(b) ~~The Bureau of Property and Casualty Product Review Forms and Rates,~~ Office of Insurance Regulation, Larson Building, Tallahassee, FL 32399-0330, (850)413-3146.

Specific Authority 624.308(1), 627.711 FS. Law Implemented 624.307(1), 624.424, 627.062, 627.0645, 627.711 FS. History--New 6-19-03, Formerly 4-170.0155, Amended 2-23-06, _____.

The **Financial Services Commission** announces a public hearing to which all persons are invited:

DATE AND TIME: October 3, 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 Public Hearing on the adoption of proposed amendments to Rule 690-170.017, Florida Administrative Code, published on September 8, 2006 in Vol. 32, No. 36, of the F.A.W. 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: Richard Koon, richard.koon@fldfs.com.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-170.017 Windstorm Mitigation Shutter Discounts.

~~(1)(a) This rule applies to all residential property insurance rate filings filed on or after September 1, 2006. All residential property insurers must make new filings by January 1, 2007, to reflect the requirements in this rule. For the purpose of determining appropriate discounts, credits, rate differentials, or reductions in deductibles for residential properties on which shutters or other wind mitigation devices or fixtures have been installed, pursuant to Section 627.0629(1), Florida Statutes, any rate filing which provides discounts, credits, rate differentials, or reductions in deductibles consistent with any statewide rating organization plan currently approved pursuant to Section 627.062, Florida Statutes, shall be considered in compliance with the applicable requirements of Section 627.0629(1), Florida Statutes.~~

~~(b) A rate filing which does not provide at least the same level of discounts, credits, rate differentials, or reductions in deductibles as specified in such a plan will be disapproved, unless the insurer demonstrates that the discounts, credits, rate differentials, or reductions comply with the requirements of Sections 627.062 and 627.0629(1), Florida Statutes.~~

(2) Section 627.0629, F.S., states that discounts on an actuarially reasonable basis or appropriate reductions in deductibles must be provided in the rates for residential property insurance for fixtures or construction techniques, including minimum provisions of the Florida Building Code which have been demonstrated to reduce windstorm loss. The discounts must reflect the discounts as set forth in the

appendix, which is incorporated by reference, which are based upon the studies Development of Loss Relativities for Wind Resistive Features of Residential Structures and Development of Loss Relativities for Wind-Resistive Features of Residential Structures of Five or More Units. These discounts must be used without any modification unless they are supported by detail alternate studies where all assumptions are available to the Office for review. These public domain studies providing data and information on estimated loss reduction for wind resistive building features in residences are incorporated by reference, and are available for downloading at the website of the Florida Department of Community Affairs, at <http://www.floridadisaster.org/brm/RCMP/Wind%20Loss/> and <http://www.floridadisaster.org/brm/Wind%20Loss/index2.htm> respectively. Any insurer that has implemented a residential property rate filing on or after July 1, 1994, that does not provide at least the level of discounts, credits, rate differentials, or reductions in deductibles provided for in an approved rating plan referenced in subsection (1) above, or otherwise comply with the requirements of Section 627.0629(1), Florida Statutes, shall make a shutter discount filing immediately.

(3) Filings can modify other rating factors to reflect revenue impact on current business only if they have actual information on policies receiving the discounts currently to support the modification. An insurer shall provide to residential property insurance policy applicants at the time of procurement of the policy application actual notice of the availability of discounts, credits, rate differentials, or reductions in deductibles, as well as all requirements that must be satisfied in order to qualify for such discounts, credits, rate differentials or reductions. For all residential property insurance policies in force on the effective date of this rule, an insurer shall, at the next renewal, provide such actual notice to the policyholder. After once providing such actual notice to a policyholder or policy applicant, an insurer shall not be required to again provide such notice at the time of renewal of the policy unless the insurer implements changes to its discounts, credits, rate differentials, reductions in deductibles, or requirements that must be satisfied to qualify for such discounts, credits, rate differentials, or reductions. Failure to provide such notice shall be considered a violation of Section 626.9541(1)(a)1., Florida Statutes.

Specific Authority 624.307(1), 624.308(1) FS. Law Implemented 624.307(1), 627.062, 627.0629(1) FS. History--New 4-1-98, Formerly 4-170.017, Amended.

NOTICE OF RESCHEDULING – The **Office of Insurance Regulation** announces an annual meeting of the Governor's Continuing Care Advisory Council to which all persons are invited to participate.

DATE AND TIME: October 4, 2006, 12:00 Noon. (Please note the new start time for this meeting. The meeting was previously scheduled to start at 1:00 p.m.)

PLACE: The Office of Insurance Regulation, Rm. 142, Larson Building, 200 East Gaines Street, Larson Building, Tallahassee, FL 32399-0331

GENERAL SUBJECT MATTER TO BE CONSIDERED: To appoint a new chairperson and vice chairperson for the Advisory Council and discuss issues currently facing the Continuing Care industry.

Pursuant to the provisions of the American with Disabilities Act, any person requiring special accommodations to participate in this meeting, please advise at least 5 calendar days before the meeting by contacting: Mr. Gary Mills, (850)413-2476.

PROPERTY AND CASUALTY JOINT UNDERWRITING ASSOCIATION

The **Board of Governors of the Property and Casualty Joint Underwriting Association** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 28, 2006, 10:00 a.m.
PLACE: Hyatt Regency Orlando International Airport, 9300 Airport Boulevard, Orlando, Florida, USA 32827

GENERAL SUBJECT MATTER TO BE CONSIDERED: Operational specifics for the Association.

A copy of the agenda may be obtained via the internet at: www.floir.com.

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 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.

Any persons needing special accommodations at this meeting because of a disability or physical impairment should contact: Susan Dawson, Assistant General Counsel, Office of Insurance Regulation, (850)413-4195, at least two days in advance of the meeting.

H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 26, 2006, 1:30 p.m.
PLACE: Stabile Trustees Board Room, 12902 Magnolia Drive, Tampa, Florida
GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Board of Directors.
A copy of the agenda may be obtained by writing: Lori Payne, Administration, Moffitt Cancer Center, 12902 Magnolia Drive, SRB-COO, Tampa, FL 33612.
Persons requiring special accommodations due to disability or physical impairment should contact: Ms. Payne, by September 22, 2006.

The **H. Lee Moffitt Cancer Center and Research Institute, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 27, 2006, 1:30 p.m.
PLACE: SRB Trustee Board Room, 12902 Magnolia Drive, Tampa, Florida
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, September 22, 2006.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN THAT the Division of State Fire Marshal has received the petition for declaratory statement from Tamarac Fire Rescue, Petitioner, filed August 31, 2006. The petition seeks the agency's opinion as to the applicability of Section 633.061(1), Florida Statutes, as it applies to the petitioner.

The Petition requests an interpretation of Section 633.061(1), Florida Statutes. The Petitioner specifically asks the Division of State Fire Marshal to declare whether it is unlawful for any organization or individual to engage in the business of servicing, repairing, recharging, testing, marking, inspecting, installing, or hydrotesting any fire extinguisher or preengineered system in this state without a valid and subsisting license issued by the State Fire Marshal.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604 or (850)413-4148, Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to Lesley.Mendelson@fldfs.com.

**Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules**

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

NONE

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

NONE

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

Notice of Bid/Request for Proposal (RFP)

The Florida State University Facilities Purchasing shall receive Proposals until the date and time shown for the following project. Proposals may be mailed or delivered to:

Florida State University
 Facilities Maintenance, Purchasing
 ATTN: B. J. Lewis, Purchasing Agent
 114F Mendenhall, Building A
 Tallahassee, Florida 32306

Prior Receipt of Proposals, responder must reference RFP number, receipt date and time on outside of proposal package to insure proper acceptance. Proposals submitted by facsimile are not acceptable. For information relating to the RFP, contact

Proposal Number FAC94-06
 Purchasing Agent: B. J. Lewis, Facilities
 (850)644-7639
 Receipt of Proposal: On or before September 28, 2006
 at 2:00 p.m.
 FSU-Facilities Maintenance
 114 Mendenhall, Building A
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: Request for Proposal for Facility Condition
 Analysis Services, Florida State University
 Facilities Management.

Contact Person: Tom Shewan, Director
 Facilities Maintenance, (850)645-6466

NOTICE TO PROFESSIONAL CONSULTANTS

The University of South Florida announces that continuing professional services are required for the following discipline: Asbestos Abatement Consultants (up to 2) (Tampa Campus with ability to include other campuses as required).

Projects included in the scope of this agreement will be specific projects for renovations, alterations, new construction, and additions that have an abatement construction budget estimated to be \$1,000,000 or less, or studies for which the fee for professional services is \$100,000 or less. Continuing Service contracts for these projects provide that the consultant will be available on an as-needed basis for an initial period of one (1) year with an Owner's option to renew for one (1) additional year at a time, up to a total of two (2) additional years. A consultant receiving the award will not have an exclusive contract to perform services for these projects. The University may have additional continuing service professionals under contract during the same time period. Blanket professional liability insurance shall be required for the contract. Services required to be provided under the Continuing Service Contracts include the development of record drawings by the Continuing Service Consultant for projects designed by that consultant to reflect as-built conditions to facilitate the University's space management program. The plans and specifications for University of South Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

INSTRUCTIONS:

Firms desiring to provide professional services shall submit one (1) original submittal and four (4) copies consisting of a letter of interest and a completed "USF Professional Qualifications Supplement for Asbestos Abatement Consultant" form dated September 2006 and any required or additional information within the proposal limits as described in the PQS General Instructions. 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 properly chartered by the Florida Department of State to operate in Florida. Submittals must not exceed 40 pages, including the "USF Professional Qualifications Supplement" and letter of interest. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested data may not be considered. No submittal material will be returned. Submittals become part of the public record. Selection of finalists for interview will be made on the basis of professional qualifications, including experience and ability, design ability, past performance, workload, volume of USF work (including USF Foundation), and location. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal

opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises (“MBEs”) in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services.

As required by Section 287.133, Florida Statutes, 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 \$25,000 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list. The “USF Professional Qualifications Supplement for Asbestos Abatement Consultant”, dated September 2006 and “Project Fact Sheet” which include project information may be obtained by contacting: Kathy Bennett, Contracts Administrator, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, e-mail: kbennett@admin.usf.edu, phone: (813)974-3098, (813)974-2625 or Fax: (813)974-3542. All interested firms are invited and encouraged to attend a Pre-Submittal Meeting to be held at 9:00 a.m. (Eastern Time), on Wednesday, September 27, 2006, at the University of South Florida, Tampa Campus, Facilities Planning and Construction, Conference Room 109, 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants and the employees of University of South Florida except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for the PQS and Fact Sheet. Requests for any project information must be in writing to the above address. One (1) original and four (4) bound copies of the above required proposal data shall be submitted to: Joseph P. D’Azzo, R.A., Assistant Director and Division Head, University of South Florida, Facilities Planning and Construction, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550. Applications that do not comply with the above instructions may be disqualified. Application materials will not be returned. Submittals must be received at the above campus address (4202 East Fowler Avenue, FPC110, Tampa, FL 33620-7550), to the attention of Joseph P. D’Azzo, Assistant Director and Division Head, by 2:00 p.m. (Eastern Time), on Friday, October 13, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered. The Selection Committee reserves the right to waive any irregularities and may reject all proposals and stop the selection process at any time.

REQUEST FOR BID

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB07MW-115, W/O 807868, O’Connell Center Exterior Fall Protection, estimated budget: \$250,000, to be opened October 10, 2006, at 2:00 p.m. (Local Time). Scope of work: Installation of aluminum 2-line guardrails continuous along the upper and lower gutter rings thus providing fall protection for maintenance staff while walking along the gutter rings. Upper level guardrails are to be interrupted at eight locations to provide vertical ladder access down to exterior mechanical platforms on lower roof level. Installation of single point anchors to allow for tie-off. Testing and certification of in-place tie-off plates, existing horizontal lifeline along upper gutter ring and vertical life lines in each of the eight drainage flumes. Demolition includes removal of existing railing at access floor at upper gutter ring; removal of lifeline on upper hard roof. New work shall include the addition of 2-line guardrail at existing roof hatch platform at upper hard roof. No interior work included in this project. Contractor will be responsible for all permitting. Mandatory Pre-Bid Meeting will be held September 26, 2006, at 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 and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. All questions and bid document requests should be directed to: Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331, ext. 224, www.purchasing.ufl.edu.

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.

PROFESSIONAL SERVICES FOR ENGINEERING PROJECT MANAGEMENT

The Florida School for the Deaf and the Blind (FSDB) announces that professional services are required for the project listed below.

PROJECT NUMBER: RFQ-06-03

PROJECT NAME: Engineering Project Management

PROJECT LOCATION: The Florida School for the Deaf and the Blind, 207 N. San Marco Ave., St. Augustine, FL 32084-2799.

SERVICES TO BE PROVIDED: To provide engineering and professional permitting assistance to replace 270 linear feet of bulkhead. To provide engineering /design for the best long term solution for shoreline stabilization via the installation of a new bulkhead structure that is properly engineered for the site conditions. The structure should be designed by a qualified marine structural engineer and should be designed to minimize required demolition to the existing bulkhead. Authorization

from the Florida Department of Environmental Protection and/or the United States Army Corps of Engineers may be required prior to wall replacement.

CONSTRUCTION BUDGET: \$500,000.00

FSDB PROJECT MANAGER: Fran Lynch

PHONE NUMBER: (904)827-2380

RESPONSE DUE DATE: Monday October 16, 2006, no later than 3:00 p.m.

INSTRUCTIONS

Firms interested in being considered for this project must submit one (1) original and four (4) copies of their application with table of contents and tabbed sections containing the following information:

1. Letter of interest which indicates the firm's qualifications, related experience, the firm's abilities to do the work and other pertinent data.
2. Current Professional Qualifications Supplement (PQS) Form DBC5112.
3. A copy of firm's current Florida Professional Registration License Renewal.
4. For Corporations only: If the firm offering services is a corporation, it must be properly chartered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Charter.
5. Completed SF-254.
6. Completed SF-255.

Firms must be properly registered at the time of application to practice their profession in the State of Florida. Representative samples of related work may be submitted in a separate binder. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned.

Applications are to be sent or delivered to the Florida School for the Deaf and the Blind, Attn.: Mr. John Connor, Purchasing Director, RFQ-06-03, 207 N. San Marco Ave., Building #28 Stores/Receiving, St. Augustine, FL 32084-2799.

Applicants will be short-listed on Monday, October 23, 2006. Following the short-list selection, a pre-interview workshop will be held on Wednesday, November 1, 2006, for all short-listed firms. Interviews will be conducted on Tuesday November 14, 2006. A final selection will be made after the interviews have taken place. Selections will be made in accordance with Chapter 287.055, Florida Statutes. The selected firm will be given official notice of selection results by FAX and/or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28 Stores/Receiving, St. Augustine, FL and can be viewed during

regular working days between the hours of 7:00 a.m. through 4:00 p.m., beginning 24 hours after the selection. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. Final selection results will also be posted in the FAW.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

NOTICE TO PROFESSIONAL CONSULTANTS FOR PROFESSIONAL ARCHITECTURAL/ENGINEERING SERVICES

The State of Florida, Department of Corrections, Bureau of Procurement and Supply, announces that Professional Services are required from Architectural/Engineering firms for the projects listed below. Applications from qualified firms are to be sent to the attention of: Julyn Hussey, Bureau of Procurement and Supply, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049. The selected firm may be required to perform its services on an accelerated schedule.

INSTRUCTIONS

Any firm desiring to provide professional services for this project shall apply for consideration with a letter of application, indicating within the body of the letter, your firm's specific abilities respective to the particular project's requirements, office location(s) from which the firm will be doing the work and attach current copies of the following:

1. A copy of the Department of Corrections' current "Professional Qualifications Supplement" (PQS) (dated September 2004) with current data. The PQS is posted as a related document for printing on the Vendor Bid System under this solicitation at the following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form.
2. A reproduction of the firm's current Florida State Board License with the appropriate board governing the discipline offered. If the firm is a corporation, it must be properly chartered with the Department of State to operate in Florida. Include a copy of the charter and current certification that all fees and filings are current.

3. Attach a current copy of the SF330 for the office(s) that will be performing the work. This form may be found at the following website address: <http://www.gsa.gov>.
4. Evidence of professional liability insurance in the amount of at least \$1,000,000.
5. Describe scope of work to be assigned to any sub-consultant and include a SF330 for each sub-consultant.
6. Names, specific qualifications and professional memberships of person(s) to be assigned to this project and their respective roles (do not include resumes).
7. Names, addresses and phone numbers of at least five (5) other agencies for whom similar services have been performed within the last five (5) years and the date, project name, brief project description, firm's project manager and specific services provided in each case.
8. If desired by the firm, additional examples of similar projects completed by persons to be assigned to this project, references (none from current or former Department of Corrections personnel) and any other supporting information.

Submit one original letter of interest and four (4) copies of the required data. The required data shall be submitted in the order listed above. Faxed copies will not be accepted. Applications that do not comply with the instructions set forth above may be considered improper and be disqualified. The plans and specifications developed by the firm awarded this project are subject to reuse in accordance with the requirements of Section 287.055, Florida Statutes, ("Consultants' Competitive Negotiation Act").

The awarded firm shall not knowingly engage in this project, on a full time, part time or other basis during the period of this Contract, any current or former employee of the Department where such employment conflicts with Section 112.3185, Florida Statutes.

Respondents will be ranked by a Competitive Selection Committee based on the information received in response to this Request For Qualifications (RFQ). Interviews of all ranked respondents may or may not be required, at the direction of the Committee. Under the authority delegated to the Secretary of the Department of Corrections by Section 287.055, Florida Statutes, sitting as the head of the Department of Corrections, Professional Services Contracts will be awarded to one firm following the recommendations of the Competitive Selection Committee and in accord with the statutory negotiation procedures. All firms responding to this RFQ will be notified by a single posting, after approval by the Secretary, through the

following website address: http://fcn.state.fl.us/owa_vbs/owa/vbs_www.search.criteria_form. It is the firm's responsibility to check the website for updated information.

Response Date: October 16, 2006, by 4:00 p.m. Eastern Daylight Time (EDT).

Late submittals will not be opened or considered.

PROJECT: Provide Professional Engineering Services to adapt prototypical Annex plans to each site; one adjacent to the Mayo Correctional Institution and one adjacent to Cross City Correctional Institution. The Scope of work for both projects include: Design, Environmental Permitting, Bid Phase Services and Construction Administration of the Site Work and Utilities. The work may entail some Architectural support, to assist the Department in adapting prototype building designs to the site conditions and may include Contract Administration Services. Partial funding is available for the initial site design for each project. Additional funding, over a number of years and contingent upon annual appropriations by the Legislature, will be required to complete the design, permitting and construction for these projects.

PROJECT LOCATION: Mayo Correctional Institution, 8784 U.S. Highway 27, West, Mayo, Florida 32066, is the project site for purposes of the selection process.

PROJECT NUMBER: EL-31 (ST)

ESTIMATED CONSTRUCTION COST: \$13,500,000

PROJECT ADMINISTRATOR: Roger Mason, Construction Projects Consultant, (850)410-4205

PROJECT LOCATION: Cross City Correctional Institution, Veterans Road, Cross City, Florida 32628.

PROJECT NUMBER: EL-15 (ST)

ESTIMATED CONSTRUCTION COST: \$15,000,000

PROJECT ADMINISTRATOR: Roger Mason, Construction Projects Consultant, (850)410-4205.

WATER MANAGEMENT DISTRICTS

REQUEST FOR QUALIFICATIONS # 05/06-064RM

The Suwannee River Water Management District (referred to as "District") is interested in obtaining the services of an incorporated Professional Engineering Firm with a valid State of Florida Certificate of Authorization or an independent Registered Florida Professional engineer (collectively referred to as "Consultant" or "Firm"), specializing in storm water management. The objective of this project is to develop and write a comprehensive surface water management permitting manual to assist permit applicants and their agents with the preparation of environmental resource permit applications and supporting engineering plans and calculations.

All proposals must be received prior to 4:00 p.m., on October 6, 2006. Any individual or firm desiring to obtain a copy of this Request for Qualification may do so by visiting the District's website at www.srwmd.state.fl.us or by contacting:

Robin Lamm, Administrative Assistant
 Suwannee River Water Management District
 9225 CR 49
 Live Oak, Florida 32060
 Phone: (386)362-1001
 1(800)226-1066 (Florida only)
 Fax: (386)362-1056

Anyone requiring reasonable accommodation as provided for in the Americans with Disabilities Act should contact the District at the above address and phone numbers.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Notice of Bid/Request for Proposal

NOTICE OF AVAILABILITY OF FLORIDA COASTAL MANAGEMENT PROGRAM FUNDS FOR STATE AGENCIES AND WATER MANAGEMENT DISTRICTS FISCAL YEAR 2007-2008

The Florida Coastal Management Program (FCMP) announces the availability of funds for activities related to implementation of the statutory authorities included in the federally approved FCMP. A complete list of these statutes can be found at http://www.dep.state.fl.us/cmp/federal/23_statutes.htm. Funding proposals should contribute to the protection, management and enhancement of Florida's ocean and coastal resources, and also focus on achieving the policy issues identified in the Coastal Zone Management Act, including: natural resource protection and management; hazard mitigation; water quality protection; siting of major developments; public access; redevelopment of urban, cultural and historic features; expedited governmental decisionmaking; effective coordination with federal agencies; effective public and local government participation; comprehensive planning and management of living marine resources; shoreline erosion and land subsidence; and ocean resource management.

Priority consideration for funding will be given to proposals that complement other state and federal ocean and coastal resource management programs and meet or reduce unmet needs. Eligible applicants include state agencies and water management districts. Applicants should note the following:

- Financial assistance is available in the form of reimbursement grants in amounts ranging from \$15,000 to \$150,000, depending on the availability of federal coastal management funds received from the National Oceanic & Atmospheric Administration (NOAA). The FCMP anticipates that grant recipients will not be required to provide non-federal matching funds or services.
- Rule Sections 62S-4.0045, 62S-4.0055 and subsection 62S-4.007(3), F.A.C., describe the procedures for submitting applications and the criteria and procedures by which applications will be evaluated. A copy of the rule may be printed from the FCMP website at http://www.dep.state.fl.us/cmp/public_notices.htm. There is no specific application form; however, proposals must not exceed 10 pages in length (excluding the cover page).
- For projects involving construction, exotic species removal, habitat restoration and land acquisition, applicants must include a completed and signed '306A Checklist' with the application. The checklist may be obtained at http://www.dep.state.fl.us/cmp/public_notices.htm.
- Selected proposals will be included in the FCMP application to NOAA for Fiscal Year 2007-2008. The funding cycle begins July 1, 2007 and ends June 30, 2008.
- Applications must be received no later than 4:00 p.m. (EST), Tuesday, November 14, 2006.

Questions regarding this Notice should be directed to: Ms. Lynn Griffin, (850)245-2163, or by email at Lynn.Griffin@dep.state.fl.us.

VISIT FLORIDA

Notice for Request for Proposal

The Florida Tourism Industry Marketing Corp, dba VISIT FLORIDA requests submissions of bids to provide teleservices and/or fulfillment services. VISIT FLORIDA is a not-for-profit corporation that promotes and markets travel to and within Florida for the benefit of its residents, economy and travel and tourism industry. For more information pertaining to this RFP please log on to www.VISITFLORIDA.org/proposal for a complete packet, including deadlines and project contacts.

The deadline for submissions is October 24, 2006.

**EARLY LEARNING COALITION OF
MIAMI-DADE/MONROE**

**REQUEST FOR PROPOSAL
#ELCMDM2006-004**

Request for Proposal for The Early Learning Coalition of Miami-Dade/Monroe, Inc., 2555 Ponce de Leon Blvd., Suite 500, Coral Gables, FL 33134, Attn: Yanet Valeron, Director of Contracts, yvaleron@elcmdm.org, Telephone Number: (305)646-7219; will receive sealed bids at the above address for Miami-Dade School Readiness Eligibility Determination, Payment & Financial Management, and Resource & Referral Services, on or before 4:00 p.m., Tuesday, October 17, 2006. Services shall include facilitating efficient and effective customer friendly access to financial assistance to early learning programs including eligibility determination, application processing, and enrollment, payment and financial management services that maximize efficiency and accuracy in accordance with federal, state, and Coalition regulations and guidelines, and family education about early care and education, early learning programs, family strengthening needs, linking and being the conduit to families and/or providing wrap around family supports and services.

There will be a Mandatory Applicant's Conference on Tuesday, September 26, 2006, 1:00 p.m. The coalition reserves the right to reject any and all bids, to waive informality in any bid or to re-advertise for bids.

**Section XII
Miscellaneous**

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT the Building Officials Association of Florida has issued a binding interpretation pursuant to Section 553.775, Florida Statutes, filed by Paul Macheske for Hunton Brady Architects, on April 14, 2006. The following is a summary of the interpretation: "Section 501.5, Florida Building Code, Mechanical Volume (2001) requires that the exhaust ducts in the Petitioner's project be constructed of metal in accordance with Chapter 6 of the Mechanical Volume since the Code is clear with regard to the prohibition of installation of non-metallic exhaust ducts under the circumstances described in the petition."

A copy of the Interpretation may be obtained from http://www.floridabuilding.org/bi/bi_bind_interp_1st.aspx

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:

Land South Air Heliport, a private airport, in Polk County, at Latitude 27°51'59" and Longitude 081°58'010", to be owned and operated by Mr. James Bulger, 5900 Imperial Lakes Blvd., Mulberry, FL 33860.

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, 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, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, 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, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR
VEHICLES**

Notice of Publication for the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Nissan North America, Inc., intends to allow the relocation of Dick Baird, Inc., d/b/a Bill Ray Nissan, as a

dealership for the sale of Nissan vehicles from its present location at 2724 North Highway 17/92, Longwood, Florida 32750, to a proposed location at the north end of Hickman Drive, Sanford (Seminole County), Florida, more particularly described as Lot 9, I-4 Industrial Park – 4th Section according to the plat recorded in Plat Book 34, Page 77, of the Public Records of Seminole County, Florida on or after February 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Dick Baird, Inc., d/b/a Bill Ray Nissan, are dealer operator: William D. Ray III, 2048 Alaqua Lakes Boulevard, Longwood, Florida 32779; principal investor(s): William D. Ray III, 2048 Alaqua Lakes Boulevard, Longwood, Florida 32779.

The notice indicates intent to relocate the franchise 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, 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: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Huddleston, Regional Market Representation Manager, Nissan North America, Inc., Southeast Region, 2839 Paces Ferry Road, Overlook Suite, Atlanta, Georgia 30339.

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 relocation 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 (2005), Mod Cycles Corporation intends to allow the establishment of Me-Mo's Motor Madness, Inc., as a dealership for the sale of

ZHEJ, ZONG, and DECE motorcycles at 15771 South Highway 441, Summerfield (Marion County), Florida 34491, on or after August 30, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Me- Mo's Motor Madness, Inc., are dealer operator(s): Maureen Valadie, 15771 South Highway 441, Summerfield, Florida 34491, and Alan Cohen, 15771 South Highway 441, Summerfield, Florida 34491; principal investor(s): Maureen Valadie, 15771 South Highway 441, Summerfield, Florida 34491, and Alan Cohen, 15771 South Highway 441, Summerfield, Florida 34491.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Patricia Torres, Mod Cycles Corporation, 7547 Northwest 52nd Street, Miami, Florida 33166.

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 (2005), Tank Sports, Inc., intends to allow the establishment of Mototech, Inc., as a dealership for the sale of KTMMEX motorcycles at 2167 Drew Street, Clearwater (Pinellas County), Florida 33765, on or after August 29, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Mototech, Inc., are dealer operator(s): Eugene Stiajkine, 2158 Cedar Drive, Dunedin, Florida 34698,

and Alex Martinov, 140 Hunter Lake Drive, Oldsmar, Florida 33765; principal investor(s): Eugene Stiajkine, 2158 Cedar Drive, Dunedin, Florida 34698, and Alex Martinov, 140 Hunter Lake Drive, Oldsmar, Florida 33765.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Turber, National Sales Manager, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

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 (2005), Tank Sports, Inc., intends to allow the establishment of St. Pete Scooter, LLC, as a dealership for the sale of KTMEX motorcycles at 1029 4th Street North, St. Petersburg (Pinellas County), Florida 33701, on or after August 16, 2006.

The name and address of the dealer operator(s) and principal investor(s) of St. Pete Scooter, LLC, are dealer operator(s): Derrick Calandra, 1025 Montrose Boulevard North, St. Petersburg, Florida 33703; principal investor(s): Derrick Calandra, 1025 Montrose Boulevard North, St. Petersburg, Florida 33703.

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: Nalini Vinayak, Administrator, License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Mike Turber, National Sales Manager, Tank Sports, Inc., 10925 Schmidt Road, El Monte, California 91733.

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 the Relocation of a
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Nissan North America, Inc., intends to allow the relocation of Terry Taylor's DeLand Nissan, as a dealership for the sales, parts and service of Nissan vehicles, from its present location at 2600 South Woodland Boulevard, DeLand, Florida 32720, to a proposed location at the northeast quadrant of Interstate 4 and Howland Boulevard, Latitude 28.95 degrees North, Longitude 81.25 degrees West, Deland (Volusia County), Florida 32720, on or after February 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Terry Taylor's DeLand Nissan are dealer operator: Terry Taylor, 844 Pelican Bay Drive, Daytona Beach, Florida 32019; principal investor(s): The Estate of Jerome K. Coble, 1150 Florida Avenue, Daytona Beach, Florida 32014.

The notice indicates intent to relocate the franchise 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, 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: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Jim Huddleston, Regional Market Representation Manager, Nissan North America, Inc., Southeast Region, 2839 Paces Ferry Road, Overlook Suite, Atlanta, Georgia 30339.

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 relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED

GRACE PERIOD LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the September 13, 2006, application filing date for Hospital Beds and Facilities batching cycle:

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| County: Lake | District: 3 |
| Date Filed: 8/25/2006 | LOI #: H0608016 |
| Facility/Project: Select Specialty Hospital – Lake, Inc. | |
| Applicant: Select Specialty Hospital – Lake, Inc. | |
| Project Description: Establish a long-term care hospital of up to 60 beds. | |
| County: Martin | District: 9 |
| Date Filed: 8/25/2006 | LOI #: H0608017 |
| Facility/Project: Select Specialty Hospital – St. Lucie, Inc. | |
| Applicant: Select Specialty Hospital – St. Lucie, Inc. | |
| Project Description: Establish a long-term care hospital of up to 60 beds. | |
| County: St. Lucie | District: 9 |
| Date Filed: 8/30/2006 | LOI #: H0608018 |
| Facility/Project: Kindred Hospitals East, L.L.C. | |
| Applicant: Kindred Hospitals East, L.L.C. | |
| Project Description: Establish a long-term care hospital of up to 60 beds. | |
| County: St. Lucie | District: 9 |
| Date Filed: 8/25/2006 | LOI #: H0608019 |
| Facility/Project: Select Specialty Hospital – St. Lucie, Inc. | |
| Applicant: Select Specialty Hospital – St. Lucie, Inc. | |
| Project Description: Establish a long-term care hospital of up to 60 beds. | |
| County: Broward | District: 10 |
| Date Filed: 8/25/2006 | LOI #: H0608020 |
| Facility/Project: Select Specialty Hospital – Broward, Inc. | |
| Applicant: Select Specialty Hospital – Broward, Inc. | |
| Project Description: Establish a long-term care hospital of up to 60 beds. | |
| County: Dade | District: 11 |
| Date Filed: 8/30/2006 | LOI #: H0608021 |

Facility/Project: Kindred Hospitals East, L.L.C.
 Applicant: Kindred Hospitals East, L.L.C.
 Project Description: Establish a long-term care hospital of up to 70 beds.
 County: Dade District: 11
 Date Filed: 8/30/2006 LOI #: H0608022
 Facility/Project: Miami Jewish Home & Hospital for the Aged, Inc.
 Applicant: Miami Jewish Home & Hospital for the Aged, Inc.
 Project Description: Establish a long-term care hospital of up to 80 beds.
 County: Dade District: 11
 Date Filed: 8/25/2006 LOI #: H0608023
 Facility/Project: Select Specialty Hospital – Dade, Inc.
 Applicant: Select Specialty Hospital – Dade, Inc.
 Project Description: Establish a long-term care hospital of up to 80 beds.

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 18, 2006, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 29, 2006.

DEPARTMENT OF JUVENILE JUSTICE

The Florida Department of Juvenile Justice has posted a revision to a new policy for review and comment on MyFlorida.com at: http://www.djj.state.fl.us/policies_procedures/policyreview.html. Probation Contract Management and Monitoring (FDJJ 6004, department-wide policy type B) – establishes procedures for the Office of Probation and Community Corrections (P&CC) contract management and monitoring to ensure services are

delivered in accordance with the terms and conditions of the contract prior to processing invoices for payment. The closure date for comments on this revised draft is September 22, 2006. PLEASE NOTE: Comments should be directed only to the underline and strike-through portions of the draft policy as these changes were made after the prior review and comment period. Comments should be sent to the person identified on the above Website.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with: the Clerk, Legal Services Office, Office of Financial Regulation, 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., October 6, 2006):

APPLICATION TO MERGE

Constituent Institutions: Florida Credit Union, Gainesville, Florida, and Dupont Mining Employees Credit Union, Starke, Florida
 Resulting Institution: Florida Credit Union
 Received: August 28, 2006

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN August 28, 2006
 and September 1, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF CORRECTIONS

33-601.723	8/28/06	9/17/06	32/27	
33-602.210	8/29/06	9/18/06	32/18	32/30

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

61G14-12.0015	8/28/06	9/17/06	32/21	32/31
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Board of Professional Surveyors and Mappers

61G17-2.001	8/30/06	9/19/06	32/29	
61G17-2.0015	8/30/06	9/19/06	32/29	

Florida Real Estate Appraisal Board

61J1-2.001	9/1/06	9/21/06	32/30	
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-9.005	8/30/06	9/19/06	32/30	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Board of Nursing

64B9-15.001	9/1/06	9/21/06	31/44	
64B9-15.002	9/1/06	9/21/06	31/44	

Board of Orthotists and Prosthetists

64B14-4.001	9/1/06	9/21/06	32/25	
64B14-4.003	9/1/06	9/21/06	32/25	
64B14-4.110	9/1/06	9/21/06	32/25	

Board of Physical Therapy Practice

64B17-3.001	8/30/06	9/19/06	32/30	
64B17-4.001	8/30/06	9/19/06	32/30	

Council of Licensed Midwifery

64B24-7.007	8/29/06	9/18/06	32/28	
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FISH AND WILDLIFE CONSERVATION COMMISSION

Marine Fisheries

68B-45.004	9/1/06	9/21/06	32/28	32/35
68B-45.007	9/1/06	9/21/06	32/28	32/35