

Section I
Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-43	Florida Small Cities Community Development Block Grant Program
RULE NOS.:	RULE TITLES:
9B-43.003	Definitions
9B-43.0031	Definitions
9B-43.004	Eligible Applicants
9B-43.0041	Application and Administrative Requirements
9B-43.005	Application Criteria
9B-43.0051	Grant Administration and Project Implementation
9B-43.006	Application Procedures for All Categories
9B-43.0061	Emergency Set-Aside Assistance
9B-43.007	Scoring System
9B-43.0071	Section 108 Loan Guarantee Program
9B-43.009	Program Requirements for Housing
9B-43.010	Program Requirements for Neighborhood Revitalization
9B-43.012	Program Requirements for Economic Development
9B-43.013	Program Requirements for Commercial Revitalization
9B-43.014	General Grant Administration of All Categories

PURPOSE AND EFFECT: To provide clarification of the rule chapter.

SUBJECT AREA TO BE ADDRESSED: Florida Small Cities Community Development Block Grant (CDBG) administrative requirements.

SPECIFIC AUTHORITY: 120.53, 290.048 FS.

LAW IMPLEMENTED: 290.042, 290.04, 290.043, 290.044, 290.046, 290.047, 290.0475 FS.

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

DATE AND TIME: October 10, 2006, 9:00 a.m. – 3:00 p.m.

PLACE: Randall Kelley Conference Room, 2555 Shumard Oak Boulevard, Tallahassee, Florida 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 7 days before the workshop/meeting by contacting: Chris Scholtz, Government Operations Consultant II, Florida Small Cities CDBG Program, 2555 Shumard Oak

Boulevard, Tallahassee, Florida 32399-2100 or call (850)922-1454 (SUNCOM 292-1454) 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: Monya Newmyer, Community Program Manager, Division of Housing and Community Development, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-3644

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

DEPARTMENT OF COMMUNITY AFFAIRS

Florida Building Commission

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
9B-70	Florida Building Commission – Building Code Training Program
RULE NO.:	RULE TITLE:
9B-70.002	Commission Approval and Accreditation of Advanced Building Code Training Courses

PURPOSE AND EFFECT: To review the provisions of these rules in light of the past two years experience and implement changes beneficial to the program.

SUBJECT AREA TO BE ADDRESSED: Building Code Education.

SPECIFIC AUTHORITY: 553.841(2), 553.841 FS.

LAW IMPLEMENTED: 553.841(2), 553.841 FS.

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

DATE AND TIME: October 11, 2006, 8:30 a.m. or as soon thereafter as this matter is brought before the Commission pursuant to its agenda

PLACE: Embassy Suites Hotel, 3705 Spectrum Blvd., Tampa, Florida 33612

Any person requiring special accommodations at the hearing because of a disability or physical impairment should contact Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824, at least seven days before the date of the workshop. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, which can be reached at 1(800)955-8770 (voice) or 1(800)955-9771 (TDD).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses.

(1) No change.

(2) Accreditor Review of Courses. Accreditors shall review instructor-led courses submitted by course developers and providers approved by the Department of Business and Professional Regulation. If an accreditor is also a course developer or provider approved by the Department of Business and Professional Regulation with accredited courses, the accreditor shall not review courses submitted by the person or entity that reviewed the accreditor's course or courses for accreditation. The accreditor shall ~~to~~ determine if the course meets ~~contains~~ the following minimum criteria:

(a) Course Title/Number (Advanced should be in title); Goals and measurable objectives;

(b) Hours of Credit; Topical outline of the course components in order of presentation;

(c) Provider Information (Name, Address, Telephone Number, E-mail address) (no bio); Teaching methods can include one or more, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations; and

(d) Course Description (appropriate for course). This course is designed to _____; Teaching resources and course references cited in the course materials.

(e) Course/Learning Objectives; Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission.

(f) Course Time (Time allotments for course content);

(g) Course Outline/Instructional Methods....detailed description of course content in sequence of how taught and methods used to teach that content. The following Instructional methods may be used, but not limited to: exercises, quizzes, discussion groups, reading assignments, projects, simulations, and presentations;

(h) Code edition;

(i) Course references cited in the outline;

(j) Course Evaluations;

(k) A minimum of 50% of the actual training materials content shall be code related.

(l) Course materials accurately reflect the Florida Building Code and other topics under the jurisdiction of the Florida Building Commission.

(3) Course Accreditation by the Florida Building Commission. Accredited Courses are to effectively and accurately address the technical and administrative responsibilities in the effective execution of the Florida Building Code. In the event the Commission identifies areas or topics of advanced Building Code education with an insufficient number of courses available through existing

resources, the Commission shall report the areas or topics to the appropriate licensing board. If additional courses do not become available within six months of notification to the licensing board, upon a finding that the absence of course work in the identified subject area is detrimental to the effective administration and enforcement of the Florida Building Code, and funds are available in the Commission's budget for course development, the Commission will develop a minimum of one (1) course that will be made available to training providers.

(a) through (d) No change.

(e) The Building Code Information System shall assign an accreditation number to the application upon submittal and the application shall be scheduled for review by the Florida Building Commission. The application shall be reviewed accredited completely and placed in the "Pending FBC Action" file on the Building Code Information System at www.floridabuilding.org no later than 23 calendar days prior to the next and action taken on the accreditation and approval of the materials at the regularly scheduled meeting of the Florida Building Commission which occurs more than 30 days from the date the accreditation number is assigned.

(f) Providers shall have 60 calendar days from the date of the code adoption to update existing accredited courses that are affected by the code changes and submit for reaccreditation. Existing courses may continue to be delivered during the 60 calendar day period. The code version that initiated the update and reaccreditation process must be noted on the application. Accreditation of revisions to accredited courses shall be accomplished in the same manner as described in paragraphs (a) through (d) hereof, except that only the revision submitted shall be subject to review.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History—New 6-8-05, Amended _____.

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."

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-2.017	Definitions
18-2.018	Policies, Standards, and Criteria for Evaluating, Approving or Denying Requests to Use Uplands
18-2.021	Land Management Advisory Council
PURPOSE AND EFFECT: To provide a procedure and requirements for land managers to use to prepare land management plans and for the Acquisition and Restoration Council to use to review such plans. The Council has been	

using outdated rules for several years that reference previous councils and fail to reference new statutory requirements. This rule amendment will update procedures for preparing management plans for Board of Trustees uplands and for the Council to follow when reviewing such plans, as well as correct technical and other errors. The Department may open any section of Chapter 18-2, F.A.C., necessary to achieve this goal.

SUBJECT AREA TO BE ADDRESSED: Procedure and requirements for preparing and reviewing management plans; and updating name of the Council and outdated statutory references.

SPECIFIC AUTHORITY: 253.034(1), 259.035(1)(f) FS.

LAW IMPLEMENTED: 253.034, 259.032, 259.035 FS.

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

DATE AND TIME: October 13, 2006, 10:00 a.m. or immediately following the Acquisition and Restoration Council meeting, whichever is later

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Bldg., Conference Room A (First Floor), 3900 Commonwealth Blvd., 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 2 days before the workshop/meeting by contacting: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us. 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: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us

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

BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND

RULE NOS.:	RULE TITLES:
18-24.001	General and Definitions
18-24.005	Full Review of Project Proposals

PURPOSE AND EFFECT: To provide a procedure and requirements for the Acquisition and Restoration Council to use to amend boundaries of Florida Forever land acquisition projects. The Council has been using and modifying such procedures for several years, and its policy and procedure are now developed to the point that rulemaking can proceed. This

rule amendment will create a uniform procedure for all sellers of land and for the Council to follow when boundary amendments are desired. The Department may open other sections of Chapter 18-24, F.A.C., if necessary to achieve this purpose.

SUBJECT AREA TO BE ADDRESSED: Procedure and requirements for boundary amendments.

SPECIFIC AUTHORITY: 259.035(1)(f) FS.

LAW IMPLEMENTED: 259.035 FS.

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

DATE AND TIME: October 13, 2006, 10:00 a.m. or immediately after the Acquisition and Restoration Council meeting on that date, whichever is later

PLACE: Department of Environmental Protection, Marjory Stoneman Douglas Bldg., Conference Room A (First Floor), 3900 Commonwealth Blvd., 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 2 days before the workshop/meeting by contacting: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us. 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: Greg Brock, Division of State Lands, MS 140, 3900 Commonwealth Blvd., Tallahassee FL 32399-3000; (850)245-2784; greg.brock@dep.state.fl.us

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

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-103.019	Inmate Grievances – Forms

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to modify Form DC2-901, Training Attendance Report, to remove documentation of social security number.

SUBJECT AREA TO BE ADDRESSED: Inmate grievance forms.

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-103.019 Inmate Grievances – Forms.

The following forms relevant to this chapter are hereby incorporated by reference. A copy of any of these forms is available from the Bureau of Inmate Grievance Appeals, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

- (1) Form DC1-303, Request for Administrative Remedy or Appeal, effective 2-9-05;
- (2) Form DC6-236, Inmate Request, effective 8-1-00.
- (3) Form DC1-306, Grievance Approval Action Form, effective 8-1-00.
- (4) Form DC2-901, Training Attendance Report, effective ~~8-1-00~~.
- (5) Form DC1-307, Acknowledgement of Receipt of Grievance Orientation, effective 10-11-00.

Specific Authority 944.09 FS. Law Implemented 944.09 FS. History—New 10-12-89, 4-10-95, 12-7-97, Formerly 33-29.018, Amended 8-1-00, 10-11-00, 2-9-05, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.106
 RULE TITLE: Interagency Agreements

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on

sovereignty submerged lands leased by DEP’s Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area (“ROMA”) agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.
 LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) 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 18, 2006, 2:00 p.m. – 4:00 p.m.
 PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 40C-1.106 Interagency Agreements.
 - (1) No change.
 - (3) The following agreements have been entered into by the District and are hereby incorporated by reference:
 - (a) through (g) No change.

(h) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~; between St. Johns River Water Management District and Department of Environmental Protection dated (*effective date*) ~~4-3-98~~.

(i) through (l) No change.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented ~~420.53~~; 373.016(5), 373.046, 373.103, 373.421(2) FS. History—New 8-1-89. Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03, _____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:	RULE TITLES:
40C-4.091	Publications Incorporated by Reference
40C-4.302	Additional Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on sovereignty submerged lands leased by DEP’s Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area (“ROMA”) agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to

single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) 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 18, 2006, 2:00 p.m. – 4:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, Governing Board Room, 4049 Reid Street, Palatka, Florida 32177

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

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

(b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S.; and ~~Aquaculture General Permits Under Section 403.814, F.S.~~ Between St. Johns River Water Management District and Department of Environmental Protection dated (*effective date*) ~~8-25-94~~.

(c) No change.

(2) No change.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05,_____.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant's violation of any Department rules adopted pursuant to Sections 403.91 - 403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule 40C-4.091, F.A.C.

Specific Authority ~~373.016~~, 373.044, 373.046, 373.103, 373.113, ~~373.171~~, 373.414(9), 373.418 FS. Law Implemented 373.016(2), ~~373.042~~, ~~373.409~~, 373.413, 373.414, 373.416, 373.418, 373.426, ~~380.23~~ FS. History—New 10-3-95, Amended 10-11-01,_____.

APPLICANT'S HANDBOOK SECTION:

10.1.2 When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant's violation of any

Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to Part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; ~~and~~ Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated (effective date), all incorporated by reference in Rule ~~section~~ 40C-4.091, F.A.C.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Wednesday, October 18, 2006, beginning at 6:00 p.m.

PLACE: City of Wildwood Community Center, 6500 County Road 139, Wildwood, FL 34785

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Big Gant Lake, Lake Deaton, Lake Miona, Black Lake, Lake Okahumpka and Lake Panasoffkee in Sumter County, Florida. One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624
 RULE TITLE: Guidance and Minimum Levels For Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lake pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Tuesday, October 11, 2006, beginning at 6:00 p.m.

PLACE: City of Williston Community Center, 50 Northwest Main Street, Williston, FL 32696

WHAT: Public workshop on proposed minimum lake levels and guidance levels for Lake Marion in Levy County, Florida.

One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272. The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.: 40D-8.624
 RULE TITLE: Guidance and Minimum Levels For Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to incorporate the next priority lakes pursuant to Section 373.042, Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Fort Cooper Lake and Tsala Apopka Lake in Citrus County.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.0395, 373.042, 373.0421, 373.086 FS.

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

DATE AND TIME: Tuesday, October 17, 2006, beginning at 6:30 p.m.

PLACE: Citrus County Auditorium, 3610 South Florida Avenue (US Highway 41), Inverness, FL 34452

WHAT: Public Workshop on proposed minimum lake levels and guidance levels for Fort Cooper Lake and Tsala Apopka Lake in Citrus County, Florida.

One or more governing board or basin board members may attend.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT, IF AVAILABLE, IS: Doug Leeper, Senior Environmental Scientist, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

The District does not discriminate on the basis of disability. Anyone requiring reasonable accommodation should contact Dianne Lee at (352)796-7211, ext. 4658; TDD only: 1(800)231-6103.

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

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: 40E-2
 RULE CHAPTER TITLE: Consumptive Use

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.042, 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.023, 373.042, 373.0421, 373.103, 373.185, 373.203, 373.216-.249, 373.50 FS.

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

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon
PLACE: South Florida Water Management District Headquarters, Bill Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon
PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street, Miami, Florida 33178

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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District's Water Use Regulation website at: http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html or the District's permitting website at: <http://my.sfwmd.gov/permitting>. Once you access this page, click on "rule development" located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-8 Minimum Flows and Levels

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: §§ 9, 10 P.L. 83-358, 120.54(5), 120.60, 373.042, 373.044, 373.113, 373.119, 373.129, 373.136, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.016, 373.036, 373.0361, 373.042, 373.0421, 373.175, 373.216, 373.219, 373.223, 373.246 FS.

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

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon
PLACE: South Florida Water Management District Headquarters, Bill Storch Room, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon
PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street, Miami, Florida 33178

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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District's Water Use Regulation website at: http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html or the District's permitting website at: <http://my.sfwmd.gov/permitting>. Once you access this page, click on "rule development" located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE CHAPTER NO.: RULE CHAPTER TITLE:

40E-20 General Water Use Permits

PURPOSE AND EFFECT: To identify conditions for permit issuance for consumptive use permits for allocating water from the regional system, including Everglades, Water Conservation Areas, and the Biscayne Aquifer.

SUBJECT AREA TO BE ADDRESSED: Allocation of water from the regional system.

SPECIFIC AUTHORITY: 120.54(5), 120.60, 373.042, 373.044, 373.083, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 120.54(5), 120.60, 373.042, 373.0421, 373.083, 373.103, 373.118, 373.219, 373.223, 373.229, 373.236, 373.239 FS.

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

DATE AND TIME: October 6, 2006, 10:00 a.m. – 12:00 Noon

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

DATE AND TIME: October 9, 2006, 10:00 a.m. – 12:00 Noon

PLACE: South Florida Water Management District, Miami Field Station, 9001 N.W. 58th Street Miami, Florida 33178

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: Scott Burns, Director, Water Supply Policy Implementation, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6817 or (561)682-6817, email: sburns@sfwmd.gov, or Cecile Piverotto, Senior Specialist Attorney, Office of Counsel, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, telephone 1(800)432-2045, extension 6343 or (561)682-6343, email: cpiverrot@sfwmd.gov. For procedural issues, Jan Sluth, Paralegal, South Florida Water Management District, Post Office Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6299, or (561)682-6299, email: jsluth@sfwmd.gov.

THE PRELIMINARY PROPOSED RULE TEXT WILL BE AVAILABLE ON SEPTEMBER 29, 2006 on the District’s Water Use Regulation website at: http://www.sfwmd.gov/org/wsd/wateruse/wu_availabilityrule.html or the District’s permitting website at: <http://my.sfwmd.gov/permitting>. Once

you access this page, click on “rule development” located on the right hand side of the page then LEC Regional Water Availability. For those without internet access, a copy may also be obtained by contacting Jan Sluth at the address, phone or email address provided above.

DEPARTMENT OF ELDER AFFAIRS

Federal Aging Programs

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58A-1 Administration of Federal Aging Programs

RULE NOS.: RULE TITLES:

- 58A-1.001 Definitions
- 58A-1.002 Department Duties Under Federal Aging Programs
- 58A-1.003 Department Assistance to the Advisory Council
- 58A-1.004 Responsibilities of the Department of Elder Affairs as the State Agency on Aging
- 58A-1.005 Designation of Area Agencies on Aging
- 58A-1.0051 Procedures for Rescinding Designation of an Area Agency on Aging
- 58A-1.006 The Area Agency on Aging’s Area Plan
- 58A-1.007 Area Agency on Aging Functions and Responsibilities
- 58A-1.008 Service Providers Under the Area Plan
- 58A-1.009 Confidentiality and Disclosure of Information
- 58A-1.010 Program Forms

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58A-1, F.A.C., to reflect current federal and state statutory language, policies, and procedures; to update program forms; to add a new rule for procedures for rescinding designation of an area agency on aging; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Program and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Definitions used in this rule chapter, departmental duties required under the federal aging programs, assistance provided to the department’s Advisory Council, responsibilities of the department as the state agency on aging, designation of area agencies on aging, rescinding designation of an area agency on aging, area plans,

area agencies on aging functions and responsibilities, service provider eligibility and application process, confidentiality and disclosure of information procedures, and program forms.

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.08, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 20.19(3), 20.41, 409.508(4), 410.011, 410.016, 410.0295, 410.037, 410.302, 410.401, 410.402, 410.403, 410.605, 430.03(6), 430.04, 430.05, 430.06, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m. (EST)

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, email address crochetj@elderaffairs.org. 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: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, email address crochetj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58A-1.001 Definitions.

In addition to the definitions included in the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter.

~~(1) ADULT DAY CARE is a program of therapeutic social and health activities and services provided to adults who have functional impairments, in a protective environment that provides as non-institutional an environment as possible.~~

~~(2) ADVOCACY or Representation is action taken on behalf of an older person to secure his or her rights or benefits. It includes receiving, investigating and working to resolve disputes or complaints informally. Advocacy or Representation within these rules does not pertain to services provided by an attorney or person under the supervision of an attorney.~~

~~(1)(3) AREA AGENCY ON AGING (AAA): means An agency designated by the dDepartment to develop and administer an aArea pPlan for a comprehensive and~~

~~coordinated service system for older persons in a pPlanning and sService aArea (PSA). The AAA Area Agency on Aging is may also be referred to as an aArea aAgency.~~

~~(2)(4) AREA PLAN: means Tthe document submitted by an aArea aAgency on aAging to the Department of Elder Affairs in order to receive subgrants or contracts under the Older Americans Act. The area pPlan details the manner in which the AAA Area Agency on Aging will provide furnish a comprehensive and coordinated system of services for older persons throughout the planning and service area.~~

~~(5) CASE MANAGEMENT is a client centered series of activities which includes planning, arrangement for, eoordination of community-based services for an eligible client. Case Management is a service which may be delivered in the absence of other services. Case Management activities include intake and referral, comprehensive assessment and reassessment, development of a care plan with planned client outeomes, assistance in helping clients to obtain community resourees, follow up contacts for the purpose of monitoring client progress to assure effective delivery of services, and travel time related to the client's case.~~

~~(6) CHORE is performance of house or yard tasks including such jobs as seasonal cleaning, essential errands, yard work, lifting and moving, simple household repairs, pest control, and household maintenance for eligible persons who are unable to do these tasks for themselves because of frailty or other disabling conditions.~~

~~(7) COMPANIONSHIP is visiting a client who is socially or geographically isolated, for the purpose of relieving loneliness and providing continuing social contact with the eommunity by casual conversation, providing assistance with reading, writing letters, or entertaining games.~~

~~(8) CONGREGATE MEALS means a meal provided to an eligible client or other eligible participant, at a congregate meal site which:~~

~~(a) Complies with the Dietary Guidelines for Americans (published by the Secretaries of the Department of Health and Human Services and the United States Department of Agriculture); and,~~

~~(b) Provides a minimum of thirty-three and one-third percent of the daily Recommended Dietary Allowances (RDA; Food and Nutrition Board of the National Academy of Sciences).~~

~~(9) COUNSELING uses the casework mode of relating to a client (via interview, discussion or lending a sympathetic ear) to advise and enable the older person or his or her family to resolve problems (concrete or emotional) or to relieve temporary stresses encountered by them. This shall either be done on a one-to-one basis or a group basis and shall be conducted by paid, donated, or volunteer staff.~~

~~(a) Counseling includes assisting older individuals with permanency planning for adult children with disabilities.~~

(b) Gerontological Counseling provides emotional support, information and guidance through a variety of modalities including mutual support groups for older adults who are having mental, emotional or social adjustment problems that have arisen as a result of the process of aging. Gerontological Counseling can also be conducted on a one-on-one basis.

(c) Pre retirement counseling and post retirement assistance is included.

(d) Social Services Counseling provides linkages to other services which might be beneficial to an individual client or a group of clients. Social Service Counseling includes referral and follow-up to all manner of social and health services.

(3)(10) DEPARTMENT: means the Department of Elder Affairs established by Section 20.41, F.S., and encompasses responsibilities for all federal aging programs pursuant to ch. 91-115, Laws of Florida.

(11) DISCOUNT is a reduction made on goods or services from a regular or list price.

(12) DISEASE INFORMATION is providing information to individuals, families, caregivers, and the general public about chronic conditions and diseases; what prevention measures and services are available; how to prevent the seriousness of the effects once the condition is present; treatment, rehabilitation, and coping strategies for those factors which cannot change. Services include information concerning diagnosis, prevention, treatment and rehabilitation of age-related diseases and chronic disabling conditions. Osteoporosis, cardiovascular diseases, incontinence, and Alzheimer's disease and related disorders with neurological and organic brain dysfunction are examples of such conditions.

(13) EDUCATION or TRAINING is:

(a) providing formal or informal opportunities for individuals to acquire knowledge, experience or skills. It includes individual or group events designed to increase awareness in such areas as nutrition, crime or accident prevention; promote personal enrichment, for example, through continuing education; to increase or gain skills in a specific craft, trade, job or occupation.

(b) conducting training for individuals, professionals, and paraprofessionals in relevant fields on the identification, prevention and treatment of elder abuse, neglect and exploitation with particular focus on prevention and enhancement of self-determination and autonomy.

(14) EMERGENCY ALERT RESPONSE service means a community based electronic surveillance service system established to monitor the frail homebound elderly by means of an electronic communication link with a response center which will alert and dispatch properly qualified assistance to the client in need on a 24 hour, seven days a week basis.

(15) EMPLOYMENT is assisting an individual to secure paid employment. This includes part time, full time, or temporary employment.

(16) ESCORT is personal accompaniment of individuals to or from service providers. Escorts may also provide language interpretation to people who have hearing or speech impairments or speak a foreign language.

(17) HEALTH PROMOTION Programs are programs that offer individual or group sessions which assist participants to understand how their lifestyle impacts their physical and mental health and to develop personal practices that enhance their total well-being.

(18) HEALTH RISK ASSESSMENT is an assessment utilizing one or a combination of diagnostic tools to test older persons for certain risk factors that are known to be associated with a disease or condition. Many factors are modifiable, including diet, risk taking behaviors, coping styles, and life style choices (such as smoking and overeating), and can be measured or identified through risk appraisal questionnaires. An individual may be aware of specific risk factors, such as inadequate nutrition, which make future compromised health more likely. The Health Risk Assessment helps the individual to determine the additive nature of many factors in an individual's life. The risks are greatly increased with each additional factor an individual has. For example, someone who smokes, overeats, doesn't exercise and has a history of heart disease in the family has a greatly elevated risk of future health problems. Any of those factors which are modified can increase the likelihood of a more positive health outcome. Modifying all of the factors above over which the individual has control, all but heredity, greatly increases the possibility of healthy aging.

(19) HEALTH RISK SCREENING is defined as services which utilize diagnostic tools to screen large groups of people or individuals for the presence of a particular disease or condition.

(20) HEALTH SUPPORT is defined as activities to assist persons to secure and utilize medical treatment as well as preventive, emergency and health maintenance services. Examples of Health Support services include obtaining appointments for treatment; locating health and medical facilities; obtaining therapy; obtaining clinic cards for clients; wellness programs, including regular or occasional health screenings to detect illness or a worsening of health conditions of older persons; physical activities, including regular exercise programs, weight control emphasis; and activities to reduce mental fatigue, stress, or boredom.

(21) HOME DELIVERED MEAL is a hot, cold, frozen, dried, canned, or supplemental food (with a satisfactory storage life) meal that meets a minimum of thirty three and one-third percent of the daily Recommended Dietary Allowances (RDA, Food and Nutrition Board of the National Academy of Sciences), served in the home to a functionally impaired homebound older person.

~~(22) HOME HEALTH AIDE service is the provision of medically oriented personal health care services by a trained home health agency to an individual in the home under the supervision of a health professional.~~

~~(23) HOME INJURY CONTROL Services are services which are aimed at preventing or reducing the extent of damage due to a fall or other preventable injury of elders in their homes.~~

~~(24) HOMEMAKER service is the accomplishment of specific home management duties including housekeeping, meal planning and preparation, shopping assistance, and routine household activities by a trained homemaker.~~

~~(25) HOME NURSING SERVICE.~~

~~(a) Home nursing service is part time or intermittent nursing care administered to an individual by a licensed practical nurse, registered nurse, or advanced registered nurse practitioner, in the individual's place of residence, pursuant to a plan of care approved by a licensed physician and in accordance with Sections 440.462(6), 400.464(5)(a), 410.0241, and Chapter 464, F.S.~~

~~(b) The objective of home nursing services is to provide services which assist the individual in his or her efforts to maintain an optimal level of health of body and mind, to prevent the occurrence or progression of illness, to provide services that the individual would do for him or herself if able or to provide comfort to the terminally ill.~~

~~(26) HOUSING IMPROVEMENT or EMERGENCY HOME REPAIR is providing home repairs or alterations for an eligible person or assistance in obtaining needed repairs or alterations for the client's home; arranging for home improvement grants or loans; providing assistance to obtain adequate housing; securing fuel and utilities, and provision of pest exterminating services.~~

~~(27) INFORMATION is responding to an inquiry from a person, or on behalf of a person, regarding resources and available services.~~

~~(28) INTERPRETING or TRANSLATING is explaining the meaning of oral or written communication to non-English speaking or handicapped persons unable to perform the functions.~~

~~(29) LEGAL ASSISTANCE.~~

~~(a) Legal Assistance is legal advice and representation by an attorney (including counseling or assistance by a paralegal or law student under the supervision of an attorney), and includes counseling or representation by a non-lawyer when permitted by law, to older individuals with economic or social need.~~

~~(b) Legal Assistance for program delivery purposes is defined as services to assist clients to become aware of and protect their civil or legal rights through activities or direct intervention by attorneys or legal paraprofessionals.~~

~~(30) LETTER WRITING or READING is reading or writing business or personal correspondence.~~

~~(31) MATERIAL AID is aid in the form of goods or food such as the direct distribution of commodities, surplus food, the distribution of clothing, smoke detectors, eyeglasses, security devices, etc.~~

~~(32) MEDICAL THERAPEUTIC SERVICES means those corrective or rehabilitative services which are prescribed by a physician or other health care professional in accordance with Sections 400.462(6), 400.464(5)(a), 410.0241 and Chapter 464, F.S. Such services are designed to assist the functionally impaired older person to maintain or regain sufficient functional skills to live independently in his or her place of residence and include physical, occupational, respiratory, hearing disorder or speech language therapy.~~

~~(33) MEDICARE EDUCATION is defined as activities designed to inform older persons on the availability, benefits, and use of preventive health services which are available under Medicare.~~

~~(34) MEDICATION MANAGEMENT screening and education is identification and counseling regarding the medication regime that individuals are using, including prescription and over the counter medications, vitamins and home remedies. These services also help to identify any dietary factors and the effect of alcohol or tobacco which may interact with the medication regime.~~

~~(35) MENTAL HEALTH SCREENING is the provision of examination, diagnostic and treatment planning services for elders who experience acute or chronic mental or emotional problems. Included is referral to psychiatric or psychological services.~~

~~(36) MULTIPURPOSE SENIOR CENTER means a community or neighborhood facility for the organization and provision of health, social, nutritional and educational services and for recreational and group activities for older persons.~~

~~(37) NUTRITION COUNSELING provides individualized advice and guidance to individuals, who are at nutritional risk because of their nutritional history, current dietary intake, medications use or chronic illnesses, about options and methods for improving their nutritional status; provided by a registered licensed dietitian or other health professional functioning within their legal scope of practice.~~

~~(38) NUTRITION EDUCATION.~~

~~(a) CONGREGATE NUTRITION EDUCATION is a formal program of regularly scheduled presentations that promote better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it relates to nutrition) information and instruction to participants in a group setting overseen by a dietitian or individual of comparable expertise.~~

~~(b) HOME DELIVERED NUTRITION EDUCATION or Nutrition Education for home-bound clients is a formal program that promotes better health by providing accurate and culturally sensitive nutrition, physical fitness, or health (as it~~

relates to nutrition) information and instruction to participants or caregivers in a group or individual setting overseen by a dietician or individual or comparable expertise.

~~(4)(39) OLDER AMERICANS ACT; means T~~the Older Americans Act of 1965, as amended, 42 U.S. Code 3001 – 3058ee. The Act is the principal statutory authority for federal grants for state and local community programs for older persons and is available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

~~(40) OUTREACH is defined as making active efforts to reach target group individuals, either in a community setting or in a neighborhood with large numbers of low income minority elderly, making one to one contact, identifying their service need, and encouraging their use of available resources.~~

~~(41) PERSONAL CARE means services to assist the functionally impaired elderly with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating and assistance with securing health care. Personal Care Services do not include medical services.~~

~~(42) PHYSICAL FITNESS PROGRAMS are programs that provide activities for people who want to improve their strength, flexibility, endurance, muscle tone, range of motion, reflexes, cardiovascular health or other aspects of physical functioning.~~

~~(43) PLACEMENT is assisting a person in obtaining a suitable place or situation such as housing or an institution such as a nursing home.~~

~~(5)(44) PLANNING AND SERVICE AREA (PSA); means A~~a geographic area of Florida designated by the ~~d~~Department (the State Unit on Aging) for purposes of planning, development, delivery and administration of services under an ~~a~~Area ~~p~~Plan. ~~In order for a State to be eligible to participate in programs under the Older Americans Act, the State Agency shall, in accordance with Section 305(a)(1)(E) of the Older Americans Act and federal regulations 45 CFR 1321.7(b), divide the State into distinct planning & service areas or area (PSA's) and the counties they include are designated as follows eover the following counties: PSA 1- Escambia, Okaloosa, Santa Rosa, Walton; PSA 2- Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Madison, Taylor, Wakulla, Washington; PSA 3- Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Lake, Levy, Marion, Putnam, Sumter, Suwannee, Union; PSA 4- Baker, Clay, Duval, Flagler, Nassau, St. Johns, Volusia; PSA 5- Pasco, Pinellas; PSA 6- Hardee, Highlands, Hillsborough, Manatee, Polk; PSA 7- Brevard, Orange, Osceola, Seminole; PSA 8- Charlotte, Collier, DeSoto, Glades, Hendry, Lee, Sarasota, the Seminole Indian Reservations; PSA 9- Indian River, Martin, Okeechobee, Palm Beach, St. Lucie; PSA 10- Broward; PSA 11- Dade, Monroe.~~

~~(6)(45) PROGRAMS AND SERVICES MANUAL; is~~ The Department of Elder Affairs Programs and Services Manual, 2006 dated July 1994 and revised November 1994.; The manual includes service descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida, 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us> herein incorporated by reference.

~~(46) RECREATION is participation in or attendance at planned leisure events such as, games, sports, arts and crafts, theater, trips and other relaxing social activities.~~

~~(47) REFERRAL is an activity wherein information is obtained on a person's needs and the person is directed to a particular resource; contact with the resource is made for the person as needed; follow up is conducted with the referred person or resource to determine the outcome of the referral. Agencies making referrals will usually obtain intake information from the client to be used as part of the referral process.~~

~~(48) RESPITE CARE is a demand for relief or rest from the constant or continued supervision, companionship, therapeutic or personal care, of a functionally impaired older person for a specified period of time.~~

~~(49) SCREENING or Assessment is administering standard examinations, screening instruments, procedures or tests for purpose of gathering information about an applicant for services or a current client to determine need or eligibility for services.~~

~~(50) SECRETARY means the Secretary of the Department of Elder Affairs.~~

~~(7)(51) SERVICE PROVIDER; or local project means A~~an entity that is awarded a contract from an ~~a~~Area ~~a~~Agency on ~~a~~Aging to provide services under an ~~a~~Area ~~p~~Plan.

~~(52) SHOPPING ASSISTANCE is assisting a client in getting to and from stores and in the proper selection of items. An individual Shopping Aide may assist more than one client during a shopping trip.~~

~~(8)(53) STATE PLAN ON AGING; means T~~the document submitted by the Florida Department of Elder Affairs to the U.S. Department of Health and Human Services, Administration on Aging, to receive grants under the Older Americans Act; ~~Commissioner on Aging of the U.S. Dept. of Health and Human Services.~~

~~(54) STATE UNIT ON AGING means the Department of Elder Affairs, designated by Section 10 of Chapter 91-115, Laws of Florida, for the administration of programs under the federal Older Americans Act.~~

~~(55) SUPERVISION is overseeing actions or behavior of a client to safeguard his rights and interest for the purpose of protection against harm to self or others.~~

~~(56) TELEPHONE REASSURANCE is communicating with designated clients by telephone on a mutually agreed schedule to determine their safety and to provide psychological reassurance, or to implement special or emergency assistance.~~

~~(57) TRANSPORTATION is travel to or from service providers or community resources.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41(2), 410.011, 410.016, 430.03(6) FS., ch. 91-115, Laws of Fla. History–New 12-23-81, Formerly 10A-11.01, 10A-11.001, Amended 3-28-95,_____.

58A-1.002 Department Duties Under Federal Aging Programs.

(1) The Department of Elder Affairs is designated in Chapter 91-115, Laws of Florida, as the State Agency to administer all programs made available to Florida under the Federal Older Americans Act. The Department shall administer these programs in accordance with Title 45, Chapter 13, Code of Federal Regulations and policy guidance issuances from the Administration on Aging within the Office of Human Development Services, of the U.S. Department of Health and Human Services.

(2) Federal regulations governing grants for State and Community Programs on Aging as published in the Federal Register, are applicable to all recipients of grants and contracts funded by the Older Americans Act, including the Department, AAAs Area Agencies and service providers. These Florida administrative rules are intended to complement and clarify requirements, procedures and Departmental policies applicable to the Older Americans Act Program.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.011, 410.016, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.02, 10A-11.002, Amended 3-28-95,_____.

58A-1.003 Department Assistance to the Advisory Council.

(1) The Department shall provides staff support to assist the Department of Elder Affairs Advisory Council established by Section 430.05, F.S. Members of the that Council, entitled by law to reimbursement for travel and per diem expenses, shall submit their expense vouchers and related documentation in accordance with according to Section 112.061, F.S.

(2) Staff support for the council by the Department shall will be furnished through the Office of the Secretary of the department. Members of the Department are prohibited from imposing any control, direction, or supervision upon the Council any control, direction, or supervision.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.016(2)(d), (e), (i), 20.19(3), 430.05 FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.03, 10A-11.003, Amended 3-28-95,_____.

58A-1.004 Responsibilities of the Department of Elder Affairs as the State Agency on Aging.

(1) The Department of Elder Affairs is the State Agency on Aging. The Department has authority and responsibility to plan, develop, and administer policy on programs for older persons and to provide a visible focal point for advocacy, coordination, priority setting, monitoring and evaluation of programs for older persons within the State. To fulfill its responsibilities, the Department shall:

(a) Develop a State Plan as required in Section 305 of the Older Americans Act;

(b) Administer the State plan within the state;

(c) Review and comment on all State Plans, budgets, and policies which affect older persons;

(d) Conduct public hearings on the needs of older persons; in order to receive information and maximize visibility of important issues;

(e) Provide adequate and effective opportunities for older persons, who are recipients of supportive or nutrition services or who use multipurpose senior centers, to express their views on policy development and program implementation under the State Plan on Aging;

(f) Evaluate, with the assistance of the AAAs, the need for social and nutrition services for older persons and determine the extent to which other public and private programs meet those needs. With the assistance of the Area Agencies on Aging, evaluate the need for social and nutrition services for older persons in the State, and determine the extent to which other public and private programs meet those needs;

(g) Ensure, in conjunction with the AAAs, preference is given to older persons with greatest economic or social need, with particular emphasis on low income minorities in the delivery of service. In conjunction with Area Agencies on Aging and service providers, give preference to older persons with greatest economic or social need, with particular emphasis on low income minorities, in the delivery of services;

(h) Render, in conjunction with the AAAs, technical assistance to contractors and volunteers. In cooperation with Area Agencies, render technical assistance to contractors and volunteers;

(i) Advise the Governor, and key designated legislators, regarding the need for and location of programs related to aging, as stipulated in Section 430.04, F.S.;

(j) In consultation with the Area Agencies on Aging, Ddevelop, in consultation with the AAAs, and publish for review and comment a formula for funds distribution which addresses those most in need of services, and submit such formula to the Administration on Aging for approval;

(k) Require outreach efforts;

(l) Set specific objectives for each planning and service area for providing services funded under this title to low-income minority older individuals;

(m) Undertake specific program development, advocacy, and outreach efforts focused on the needs of low-income minority older individuals; and

(n) Provide a description of the efforts described above in paragraphs (d), (e), and (f) that will be undertaken by the State agency.

(2) The department is responsible for dividing the state into planning and service areas.

(3) The Department is responsible for the designation of the AAA Area Agency on Aging for each PSA in accordance with Title III, Section 305(E) of the Older Americans Act. The Department shall establish and follow procedures to provide due process to affected parties, if the State agency initiates an action or proceeding to revoke the designation of an area agency on aging; designate an additional planning and service area; divide the State into different planning and service areas; or otherwise affect the boundaries of the planning and service areas in the state.

(4) The Department shall develop, promulgate and revise, as necessary, a uniform format for the AAA Area Agency on Aging's Multi-Year Area Plan. The Plan will cover four years, with required annual updates. In conjunction with the Plan format:

(a) The Department will develop and revise the format for the Area Plan, after opportunity for comment has been provided to Area Agency on Aging staff.

(b) The Department will develop and revise the basic format and minimum requirements for the service provider applications, after opportunity for comment has been provided to Area Agency on Aging staff and selected service provider agencies.

(5) Staff of the Department will monitor the administration of each Area Plan. Not less than annually, Department staff will conduct a formal on-site evaluation of the performances of each Area Agency on Aging.

(6) The Department shall coordinate the development of programs and services under Titles III, V, and VII of the Older Americans Act, and establish policy and minimum standards and procedures for those programs and services as defined in the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C. Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(7) The Department shall ensure that supplemental funding under the Nutrition Services Incentive Program of the Older Americans Act available U.S.

Department of Agriculture food, cash or a combination of food and cash is made available to nutrition service providers funded under the area plan.

(8) The Department shall coordinate the development of legal services for older individuals of the state.

(9) For the purpose of acquiring programmatic and fiscal information for Federal and State data and analysis, the Department shall establish reporting requirements for AAA Area Agencies on Aging and service providers in accordance with the Department of Elder Affairs Programs and Services Manual, Chapter 1, Section 4, incorporated by reference in Rule 58A-1.001, F.A.C. I-4, Program Reporting Responsibilities, dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(10) Agencies, organizations and individuals affected by actions of the Department may seek review in accordance with the Administrative Procedures Act, Chapter 120, F.S.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.011, 410.016, 430.06 FS., ch.91-115, s. 10, Laws of Fla. History—New 12-23-81, Formerly 10A-11.04, 10A-11.004, Amended 3-28-95, _____.

58A-1.005 Designation of Area Agencies on Aging.

(1) An Area Agency on Aging will be designated in each planning and service area. Of the eligible applying entities, as defined by Section 305 of the Older Americans Act, the Department shall select the one which demonstrates to the Department that by virtue of location, office, staff, experience and community resources, it is best able to discharge the duties of an Area Agency on Aging established by this rule.

(2) Actual designation occurs upon acceptance of the Area Agency's Area Plan and formal execution of the associated contract.

(3) The designated AAA Area Agency on Aging is responsible for administration of Older Americans Act programs in its planning and service area.

(4) The department State agency on aging shall withdraw an area agency's designation in accordance with Section 305(b)(5)(c) of the Older Americans Act as amended, whenever, after reasonable notice and opportunity for a hearing, it is determined that:

(a) An area agency does not meet the requirements of 45 CFR 1321 and Section 305 of the Older Americans Act, as amended; or

(b) An area plan including amendments is not approved by the Department after reasonable opportunity to comply; or

(c) There is substantial failure in the provisions or administration of an approved plan to comply with provisions of the Older Americans Act of 1965, as amended, the applicable federal regulations, state statutes, or administrative rules.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.016(2)(f), 430.03(6) FS., ch.91-115, s. 10, Laws of Fla. History—New 12-23-81, Formerly 10A-11.05, 10A-11.005, Amended 3-28-95, _____.

58A-1.0051 Procedures for Rescinding Designation of an Area Agency on Aging.

Pursuant to Section 430.04, F.S., the department has the authority to rescind designation of an area agency on aging under specified conditions. The department's procedures for rescinding designation shall be as follows:

(1) At least 90 days prior to the effective date of rescinding designation of the AAA, the Secretary shall issue a written notification of the intent to take such action. The notice shall state the reasons for the intent to rescind designation and contain any other pertinent information the Secretary deems necessary. The notice shall be:

(a) Transmitted to the executive director of the currently designated AAA;

(b) Transmitted to the board of directors of the currently designated AAA;

(c) Transmitted to the chief elected official of units of general purpose local government in the PSA;

(d) Published in a newspaper of general circulation in the PSA; and

(e) Published in the Florida Administrative Weekly with the announcement that a public hearing will be held in the affected PSA giving the date, time, and place of the hearing as well as the name, telephone number, and address of the contact person regarding public testimony.

(2) The public hearing shall be conducted within 30 days of the notice of intent to rescind designation published in the FAW, but no sooner than 15 days after publication of the notice of intent to rescind designation.

(a) The Secretary shall be the presiding official at the public hearing or other person designated by the Secretary.

(b) The public shall be given the opportunity to present testimony regarding the department's intent to rescind designation of the AAA.

(c) The department shall have available a recorded transcription of all testimony, which shall be available for public inspection at the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000.

(d) The department shall take into consideration all comments received at the public hearing prior to rendering the final decision to rescind designation.

(3) Within 15 days from the date of the public hearing, the Secretary shall render a final decision regarding rescinding the designation. The correspondence shall list the AAA's hearing rights and time frames. The decision shall be communicated in writing to:

(a) The executive director of the currently designated AAA;

(b) The board of directors of the currently designated AAA; and

(c) The chief elected official of units of general purpose local government in the PSA; and

(d) A newspaper of general circulation in the PSA.

(4) The entity receiving the rescinded designation shall cooperate fully with the department during the selection and transition period of a newly designated AAA.

(a) The department shall determine the transition period time frame.

(b) Once the department determines the transition period is complete, the entity receiving the rescinded designation shall cease all operations and the newly designated AAA shall be fully responsible for all operations.

Specific Authority 430.08, 430.04 FS. Law Implemented 430.04 FS. History—New _____.

58A-1.006 The Area Agency on Aging's Area Plan.

(1) Prior to preparation and submission of an area plan, an eligible agency or organization desiring to apply for redesignation or initial designation as an aArea aAgency on aAging shall submit obtain an aArea pPlan to the department Format, dated March 1994, available the Office of the Secretary, and herein incorporated by reference.

(2) Preparation and submission of a formal aArea pPlan shall will be in accordance with the prescribed aArea pPlan fFormat as determined by the requirements of the Older Americans Act, as amended, and the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Secretary and at each Area Agency on Aging, and herein incorporated by reference.

(a) Technical assistance on the Area Plan submission may be sought at any time from the Department.

(b) The submission must accurately describe required activities, essential information and include attachments and exhibits required by the Department's format. The format for the Area Plan will be contained in the Area Plan on Aging Program Module and Contract Module, dated April 1994, available in the Office of the Secretary, and herein incorporated by reference.

(c) Also required as integral to the Area Plan, is an annual update of the Program and Contract module which details annual fiscal information and the implementation schedule of programmatic objectives. The format and submission dates of the Annual Update may be revised by the Department for flexibility in annual planning.

(d) Area Agencies in their Area Plans shall incorporate procedures for fair hearings. Hearings may be requested by affected service providers in the following situations:

1. If an Area Agency proposes to deny a service provider's application to provide services under the area plan, or to terminate or not renew a contract except as provided in Federal regulations;

2. If an Area Agency proposes a reduction in the amount of funds made available to service providers.

(e) In the event a hearing is held by an Area Agency, as specified in paragraph (d) above, a copy of the findings and final report detailing the results of the hearing is to be forwarded to the Department Secretary in writing by the person who conducted the hearing within ten working days of the conclusion of the hearing. The affected party may request a review by the Department Secretary. The Department will review to assure that a fair hearing was held. Further, if the affected party does not concur with the decision of the Secretary, the appeal may be considered by and brought before the Administration on Aging for a ruling.

(f) Additional information concerning Area Plan preparation and submission will be made available by the Department upon the request of any person.

(g) Associated with the Area Plan submission but not developed by the Area Agency on Aging is a contract document prepared by the Department and formally executed between the Department and the Area Agency on Aging upon acceptance of the Area Plan. The Area Plan is incorporated in the contract by reference.

(3) The Area Plan and its associated contract is accepted by the Department for implementation after execution by the Secretary or a designee.

(4) Changes to the Area Plan are to be made based on the following:

(a) The plan shall be amended at any time under the circumstances prescribed in Federal regulations.

(b) Amendments to the area plan will be effected by submission of the Area Agency of new or revised information using the Department's format and having said amendment approved by DOEA.

(c) Amendments to an approved Area Plan must be approved in writing by the Department, prior to implementation.

(d) Minor revisions and non-substantive changes to the plan as determined by the Department may be made at any time by the Area Agency in order to keep the plan current. Examples of a minor revision are changes in telephone numbers and addresses, personnel, and administrative details not affecting the quantity or quality of services to persons assisted by the programs administered. The Area Agency shall notify the Department of minor revisions at least quarterly.

(e) Whenever a change is contemplated by the Area Agency in any cost category or individual salary as budgeted in the Area Plan for Area Agency Administration:

1. Prior written approval from the Department is required if the contemplated change would result in a change in the original approved amount greater than ten percent.

2. Notification of such change shall be included in the next monthly financial report to the Department, if the change would not result in a change in the original amount greater than ten percent.

3. Revised Area Plan pages shall be forwarded to the Department in accordance with time frames established by the Department.

(3)(5) Subject to the availability of Federal and State funds and budget authority, the Department will contract with the AAA Area Agency on Aging based on the approved submitted aArea pPlan for the Federal and State amounts indicated in the approved State Plan on Aging. Instructions for submitting payment requests and expenditure reports are contained in each contract for services executed between the Area Agency on Aging and the Department.

(6) In the event an Area Agency on Aging, after written notice of deficiency, fails to comply in a timely manner with the terms of the contract, the Department shall withhold distribution of a part of the total of contract funds designated for the Area Agency on Aging in proportion to the amount of services not furnished by the Area Agency on Aging as a result of the Area Agency on Aging delay. The Department shall promptly release any funds withheld, after corrective action has been taken or upon acceptance of a corrective action plan submitted by the Area Agency on Aging. If the Area Agency on Aging desires to appeal the decision to withhold funds, it may seek review in accordance with the Administrative Procedures Act, Chapter 120, F.S.

(7) Withdrawal of an Area Agency on Aging designation will be done in conformity with Federal Regulations governing the Older Americans Act program and in accordance with the Administrative Procedures Act, Chapter 120, F.S., subsection 58A-1.005(4), F.A.C. above, and the Department's Programs and Services Manual, Chapter IV 1, General Policies, Older American Act, dated July 1, 1994, available at Department headquarters and at each Area Agency on Aging, and incorporated herein by reference.

Specific Authority 430.08 FS. Law Implemented 20.41, 430.03, 430.04 FS. History--New 12-23-81, Formerly 10A-11.06, 10A-11.006, Amended 3-28-95, 10-30-05, _____.

58A-1.007 Area Agency on Aging Functions and Responsibilities.

(1) Within the planning and service area, an aArea aAgency on aAging shall:

(a) Serve as an effective and visible advocate and focal point for older persons of the planning and service area; and

(b) Develop and administer the area plan for a comprehensive and coordinated system of services for older persons in accordance with the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C.

(2) Each ~~AAA Area Agency on Aging~~ shall agree to the following responsibilities:

(a) Establish and maintain a ~~b~~dBoard of ~~d~~directors and an ~~a~~advisory ~~c~~council. The responsibilities, membership, frequency of meeting, by-laws, and minutes of the ~~a~~advisory ~~c~~council shall comply with Section 430.05, F.S., and the Older Americans Act of 1965, as amended.

(b) Establish and maintain ~~an~~ adequate staff to administer the ~~a~~area ~~p~~plan.

(c) Plan social, health, nutrition, and in-home services to meet the current and projected needs of older persons in of the planning and service area, within the limits of available funds.

(d) Contract with service providers to assist socially or economically needy older persons, using priorities for services with special emphasis on low-income minorities, as established ~~locally~~ by local needs assessment information.

(e) ~~Area Agencies on Aging shall~~ have procedures for handling complaints from persons whose ~~complaint~~ services have ~~has~~ been denied, terminated, or reduced ~~improperly~~ under any programs funded by the Older Americans Act. The procedures shall be implemented as specified in accordance with the Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C. ~~include at a minimum an opportunity to submit facts and information orally or in writing to support the complaint and a written decision from the Area Agency on Aging containing the reasons for its decision. Area Agencies on Aging shall require service providers funded under the area plan to have procedures for handling such complaints. The Area Agency on Aging shall have the final decision authority regarding client complaints unless the client is alleging discrimination.~~

(f) Provide programmatic and technical assistance to service providers, and monitor and assess services provided under the area plan to ensure. ~~Monitoring by the Area Agency on Aging shall determine the provider's compliance with state and federal laws and rules.~~

(g) Provide financial management services, technical assistance, and financial monitoring of the operations of the service providers; and maintain accountability for all contracted funds awarded by ~~contract~~ by the department.

(h) No change.

(i) Accurately prepare and, ~~in a timely manner,~~ submit programmatic and fiscal reports required by departmental policies in a timely manner.

(j) Coordinate with other programs serving for older persons to ensure ~~assure~~ a comprehensive service delivery system.

(k) ~~Ensure that m~~Membership of the AAA Area Agency on Aging governing board shall be composed of persons residing within the planning and service area. Each governing board shall adopt in its by-laws, specific policy concerning conflict of interest regarding board members. No conflict policy shall be less stringent than the Code of Conduct provided in Part III, Chapter 112, F.S., the Florida Code of Ethics.

(3) The AAA Area Agency on Aging is authorized to plan and administer, under contract with the department, the following programs as established by ~~f~~federal requirements, Florida Statutes ~~State law,~~ and policies of the Department of Elder Affairs, Programs and Services Manual incorporated by reference in Rule 58A-1.001, F.A.C.:

(a) Older Americans Act of 1965, as amended.

Title III B – Supportive Services and Senior Centers

Title III C – Nutrition Programs

~~Title III D – In-home Services for Frail Older Individuals~~

Title III ~~D~~F – Disease Prevention and Health Promotion

Title VII – Abuse, Neglect, Exploitation, and Long Term Care Ombudsman Program, however, The department ~~State~~ shall directly administer programs from Title VII, Older Americans Act, Programs for Prevention of Elder Abuse, Neglect, and Exploitation; and the Outreach, Counseling, and Assistance Program. ~~Reference Older Americans Act Sections 721 and 741, F.S.~~

(b) through (e) No change.

(f) Contracted Services Programs.

(g)(~~g~~) Medicaid Waiver Aged and Disabled Adults (ADA) and Assisted Living for the Elderly (ALE) pPrograms.

(h)(~~g~~) United States Department of Agriculture programs.

(i)(~~h~~) Additional federal grant programs as awarded by the federal government.

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 409.508(4), 410.016(2)(d), (f), (h), (i), (m), 410.401, 410.402, 410.403, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History–New 12-23-81, Formerly 10A-11.07, 10A-11.007, Amended 3-28-95,_____.

58A-1.008 Service Providers Under the ~~an~~ Area Plan.

(1) Any public or private non-profit agency or organization, incorporated under the Laws of Florida, is eligible to receive a subgrant or contract for services funded under the Older Americans Act. A regional or local agency of the state, however, is not eligible to perform as a service provider. An aArea aAgency on aAgin may not provide direct services unless the department determines that this is necessary in order to ensure ~~assure~~ an adequate supply of a specific ~~that~~ service. ~~Any proposed contract between an Area Agency on Aging and a profit making organization to provide services under an Area Plan must receive approval prior to contract execution, from the Department.~~

(2) Any Eligible agency or organizations desiring to provide services apply for a contract under the Area Plan must apply to may request an application from the local AAA Area Agency on Aging after a request for proposal(s) has been issued. The Area Agency on Aging shall respond within ten working days and enclose an application. The application will contain complete instructions, forms, and specific documentation requirements to be completed by an applicant. The Area Agency shall utilize competitive bidding procedures in procurement contracts in accordance with State and Federal regulations.

(a) Applicants may apply for funding based on procedures established at the local Area Agency on Aging. Applicants proposing to provide social, health, in-home or nutrition services must provide specified information in the Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary, and herein incorporated by reference.

(b) An applicant seeking Older Americans Act funding for the purpose of acquisition, alteration, or renovation of existing facilities, including mobile units, and construction of facilities to serve as multipurpose senior centers, shall make requests to the Area Agency on Aging. The Area Agency on Aging will render technical assistance concerning procedures and required documentation.

(3) Applicants may seek technical assistance regarding the application process from the Area Agency on Aging at any time.

(a) To be considered responsive, a formal application for funding must be:

1. Signed by the senior officer of the applicant agency's governing body or designee.
2. Submitted on the Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary, and herein incorporated by reference and in accordance with the application instructions.
3. Provide an acceptable commitment for required non-federal financial participation (matching requirement).
4. Contain assurances of compliance with applicable Federal Regulations.

(b) A non-responsive application shall be rejected by the Area Agency on Aging; or, at the discretion of the Area Agency on Aging an applicant may be permitted to withdraw the application and resubmit it after correction of deficiencies.

(c) The Area Agency on Aging will acknowledge receipt of an application within ten working days.

(4) The following are minimum standards to be used by the Area Agency on Aging in evaluating applications to provide services under an Area Plan. Each Area Agency on Aging may incorporate in their Area Plan additional criteria for judging applications, based upon local needs and special conditions:

(a) The applicant shall:

1. Propose social, in-home, health or nutritional services in conformity with the Area Plan.

2. Include realistic program objectives which are in compliance with Department service standards as specified in contract terms.

3. Incorporate reasonable, necessary and allowable budget information in compliance with Department grants accounting standards as specified in contract terms.

4. Propose a project staff qualified by experience, education or training, including sufficient numbers of staff to assure proper and efficient programmatic and fiscal accountability.

5. Contain assurances that the project will be operated in accordance with Department standards and requirements as specified in contract terms.

(b) In the event of the receipt of applications from more than one local service provider proposing to provide essentially the same services, the Area Agency on Aging shall consider:

1. The extent of community support for the applicant,
2. The recommendations of the Area Agency on Aging's Board of Directors and Advisory Council, and
3. The prior experience of the applicant in providing social or nutrition services for older persons.

(c) In the event an applicant is dissatisfied with the action taken by the Area Agency on Aging, the applicant may request a hearing under procedures described in the Area Agency's Area Plan for compliants as described in paragraph 58A-1.007(2)(e), F.A.C., above.

(d) If the application is accepted for funding, the service provider will be further instructed by the Area Agency on Aging regarding establishment of project operation and start of service.

(5) Contracts between the Department, and the Area Agency on Aging, lead agency or core service providers shall follow departmental contracting and financial management procedures.

(6) Service providers funded under the Area Plan shall adopt procedures for handling complaints from persons who assert that service has been denied, terminated or reduced improperly under any programs funded by the Older Americans Act. The complaint procedure must permit at least an opportunity to present orally or in writing the reasons why the service should not be changed and that the provider will furnish to the complainant a written explanation of the nature and reasons for the provider's action.

Complaints which remain unresolved by a service provider shall be referred to the Area Agency on Aging by written report from the service provider no later than 30 days following the complainant's notice, with detailed information regarding efforts to resolve the complaint.

Specific Authority 430.08 FS. Law Implemented 430.03, 430.04 FS. History—New 12-23-81, Formerly 10A-11.08, 10A-11.008, Amended 3-28-95, 10-30-05,_____.

58A-1.009 Confidentiality and Disclosure of Information. Entities contracted to provide services under the Older Americans Act shall collect, maintain, and exchange information about consumers applying for services only to the extent it is necessary to administer the programs covered under this agreement in accordance with the Health Insurance Portability and Accountability Act (HIPPA) of 1996.

~~(1) Information described in subsection (2) is confidential and exempt from the public records law, Section 119.07(1), F.S. It shall not be disclosed to the public in such a way as to identify the elderly person, unless written consent is provided by the elderly person or his or her guardian.~~

~~(2) Information about functionally impaired elderly or disabled adults, Alzheimer's disease patients, or information on individuals who receive benefits from Departmental programs based on their relationship to eligible persons, where information is received by or through Department files, reports, inspections or in any other way, shall not be disclosed without express written permission from the impaired or disabled adult or the eligible party affected.~~

~~(3) This rule prohibits disclosure of information regarding the client supplied to officers and employees of the Department, to Area Agencies on Aging and their officers and employees, to persons who volunteer their services, and to persons or entities who provide service under contract with the Department, unless otherwise directed as per subsections 58A-1.009(1) and (2), F.A.C.~~

Specific Authority 20.41(2), 410.016(2)(k), 430.08 FS., ch. 91-115, s. 10, Laws of Fla. Law Implemented 20.41, 410.016(2)(e), 410.0295, 410.037, 410.302, 410.403, 410.605, 430.05 FS., ch. 91-115, s. 10, Laws of Fla. History--New 12-23-81, Formerly 10A-11.09, 10A-11.009, Amended 3-28-95,_____.

58A-1.010 Program Forms.

The following forms shall be used for programs regulated by this chapter; These forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Avenue, Tallahassee, Florida, 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us>.

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection (1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July, 2001.

Specific Authority 430.08, 430.101 FS. Law Implemented 20.41, 430.101 FS. History--New 8-20-00, Amended 8-6-01,_____.

DEPARTMENT OF ELDER AFFAIRS

Community Care for the Elderly

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58C-1 Community Care for the Elderly

RULE NOS.: RULE TITLES:

58C-1.001 Definitions

58C-1.002 Eligibility

58C-1.003 Administration

58C-1.004 Application Procedures

58C-1.005 Service Provider Requirements

58C-1.007 Contributions and Donations

58C-1.008 Program Forms

58C-1.009 Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58C-1, F.A.C. to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Program and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Definitions used in this rule chapter, eligibility for Community Care for the Elderly (CCE) services, administration of the CCE program, deletion of the application process, provider requirements under the CCE program, deletion of contributions and donations, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

SPECIFIC AUTHORITY: 20.41(2), 410.016(2)(k), 430.04, 430.08, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

LAW IMPLEMENTED: 20.19(3), 20.41, 409.508(4), 410.011, 410.016, 410.0295, 410.037, 410.302, 410.401, 410.402, 410.403, 410.605, 430.03(6), 430.04, 430.05, 430.06, 430.101 FS., ch. 91-115, s. 10, Laws of Fla.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet at 4040 Esplanade Avenue, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochetj@elderaffairs.org. 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: Jim Crochet, 4040 Esplanade Avenue, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochetj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58C-1.001 Definitions.

In addition to the definitions included in Section 430.203, F.S., and the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter: As used in this chapter:

(1) “Aging Out Clients”: Individuals reaching 60 years of age who are being transitioned from the Department of Children and Families’ Community Care for Disabled Adults or Home Care For Disabled Adults services to the department’s community-based services.

(2) Assessment Instrument: DOEA Form 701B, the tool prescribed by the department for use in determining a client’s level of functioning, existing resources, service needs, and priority for services.

~~(1) Adult Day Care means a social program which assures that a protective environment and preventive, remedial, and restorative services are provided to functionally impaired adults in need of such care.~~

~~(a) Adult Day Health Care means an organized day program of therapeutic, social and health activities and services provided to functionally impaired adults for the purpose of restoring or maintaining optimal capacity of self-care.~~

~~(2) Area Agency on Aging (AAA) means the agency designated by the Department in a planning and service area defined by the Department to develop and administer the area plan for a comprehensive and coordinated system of services for older persons.~~

(3) Area Plan: The document developed by each area agency on aging (AAA) and submitted to the department which identifies the planning, administrative and coordination activities to be undertaken by the AAA to ensure a comprehensive and coordinated system of services for older people in the planning an service area (PSA). (Plan of Action)

~~means a plan developed by an Area Agency on Aging for a comprehensive and coordinated service delivery system in its planning and service area in accordance with 42 U.S.C. 3001 et seq., Older Americans Act of 1965, as amended, on a uniform area plan format prescribed by the State Unit on Aging. This plan identifies such funding resources as: the Older Americans Act (OAA), Community Care for the Elderly (CCE), and other funds; and sets forth measurable objectives; and, identifies the planning, coordination, evaluation activities to be undertaken for the period. The area plan is developed and submitted by the Area Agency on Aging and submitted to the State Unit on Aging. Annual updates of the area plan are required.~~

(4) Case/Care Plan: The tool used by the case manager to document a client’s assessed needs, desired outcomes, services to be provided, and costs associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client’s family or representative. It is designed to assist the case manager in the overall management of the client’s care means a plan which specifies the ongoing services prescribed for a CCE client to meet the needs identified in the comprehensive assessment. The care plan shall specify the estimated duration, desired frequency, problem statements, and scope of the services to be provided. It shall identify the provider agency, organization or person(s) responsible for providing the service(s). It shall also identify non-traditional providers such as families, churches, private agencies and neighbors. The care plan shall include a listing of desired outcomes agreed to with the client or caregiver where client is incapacitated. The case plan shall be signed by the case manager and the client.

(5) Case Management: A means a client centered series of activities which includes planning, arranging arrangement for, and coordinating coordination of community based services for an eligible CCE Community Care for the Elderly client. Case mManagement is an approved service, even when delivered in the absence of other services. Case management includes intake and referral, travel time related to the client’s case, a comprehensive client assessment, development of an individualized care plan with planned client outcomes, and follow-up contacts for the purpose of monitoring the client’s situation and to ensure assure timely, effective delivery of service.

(6) Programs and Services Manual: The Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, each Area Agency on Aging (AAA), and the department Web site at <http://elderaffairs.state.fl.us>. Chore Service means the performance of house or yard tasks including seasonal cleaning, essential errands, yard

work, lifting and moving, and simple household repairs for eligible persons who are unable to do these tasks for themselves because of frailty or other disabling conditions.

(7) ~~Comprehensive Assessment means an assessment which records an individual's physical health status, ability to perform activities of daily living, existing social support including individual client preferences and mental functioning.~~

(8) ~~Community means a geographic area designated by the Area Agency on Aging after considering the needs, the availability and delivery pattern of local services, and natural boundaries of neighborhoods. A community can be a county, a portion of a county, or two or three counties.~~

(9) ~~Core Service means services limited to adult day care, chore service, counseling, emergency home repair, health maintenance service, home delivered meals, homemaker services, information, medical transportation services, mini-day care, referral, and respite care.~~

(10) ~~Counseling means an interactive process, on a one to one or group basis, wherein a person is provided direct guidance and assistance in the utilization of needed health, mental health, financial, and social services, and help in coping with personal problems through the establishment of a supportive relationship. Counseling may include the purchase of professional mental health and financial management counseling services.~~

(11) ~~Emergency Alert Response Service means a community based electronic surveillance service system established to monitor the frail homebound elderly by means of an electronic communication link with a response center which will alert and dispatch properly qualified assistance to the client in need on a 24 hour, seven days a week basis.~~

(12) ~~Emergency Home Repair means assistance in obtaining critical repairs or alterations to correct deficiencies or situations identified as a barrier to the eligible person's health, safety, or ability to perform activities of daily living or as an impediment to the delivery of services to that eligible person.~~

(13) ~~Health Maintenance Services means those routine health services necessary to help maintain the health of a functionally impaired elderly person, but shall be limited to medical therapeutic services, nonmedical prevention services, personal care services, home health aide services, home nursing services, and emergency response systems.~~

(14) ~~Home Delivered Meals means a nutritionally sound meal that meets one third of the current daily recommended dietary allowance serviced in the home to a homebound older person.~~

(15) ~~Home Health Aide Service means health or medically oriented tasks provided to an eligible individual in his residence by a home health aide. The home health aide must be employed by a licensed home health agency and supervised by a licensed health professional who is an employee or contractor~~

~~of the home health agency, in accordance with Chapter 59A-8, F.A.C. This service must be prescribed by a physician or nurse practitioner licensed in the State of Florida.~~

(16) ~~Home Nursing Service means part time or intermittent nursing care administered to an individual by a licensed practical nurse, registered nurse, or advanced registered nurse practitioner, in the individual's place of residence, pursuant to a plan of care approved by a licensed physician and in accordance with Sections 400.462(6); 400.464(5)(a), 410.0241, and Chapter 464, F.S. Home nursing service must be provided through a licensed home health agency.~~

(17) ~~Homemaker Service means the accomplishment of specific home management duties including housekeeping, meal planning and preparation, shopping assistance, and routine household activities by a trained homemaker.~~

(18) ~~Information means responding to an inquiry from a person, or on behalf of a person, regarding resources and available services.~~

(19) ~~Medical Therapeutic Service means those corrective or rehabilitative services which are prescribed or administered by a physician or other health care professional in accordance with Sections 400.462(6), 400.464(5)(a), 410.0241 and Chapter 464, F.S. Such services are designed to assist the functionally impaired older person to maintain or regain sufficient functional skills to live independently in his or her place of residence and include physical, occupational, respiratory, hearing disorder or speech language therapy. Medical therapeutic services must be provided through a licensed home health agency.~~

(20) ~~Medical Transportation Services means the provision of rides and/or escort services to and from medical services. Medical services are defined as visits to physicians, dentists, psychiatrists, physical therapists, clinics, hospitals, mental health centers, or any similar facility or service provider. The service can include intermediate stops to fill prescriptions and buy medical supplies in conjunction with such visits.~~

(21) ~~Mini Day Care means a program providing for supervised care in a private home, licensed adult congregate living facility, or adult family care home for up to five impaired persons for a portion of a 24 hour day. A meal and snacks and social and recreational activities are included as part of the service.~~

(22) ~~Personal Care Services means those non medically oriented tasks provided by a personal care worker to assist the functionally impaired elderly person with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications and assistance with securing health care from appropriate sources. Personal Care Services shall be provided with the supervision of a nurse licensed under Chapter 464, F.S.~~

~~(23) Referral means activity wherein a person's needs are determined and the person is directed to a particular resource(s). Contact with the resource(s) is made for the person. Follow-up is conducted with the client and referral agency to determine whether the service was received.~~

~~(24) Respite Care means a service to provide supervision, companionship, or personal care, to a functionally impaired older person for a specified period of time. The purpose of the service is to maintain the quality of care to the client for a sustained period of time through temporary, intermittent relief of the primary caregiver.~~

~~(7)(25) Service Provider: An means an individual, group or organization that is awarded a subgrant or contract from the Department, lead agency or an Area Agency on Aging to provide core or other services under the CCE program Area Agency on Aging Community Care for the Elderly Application plan.~~

Specific Authority 410.021-.029, 430.08 FS., ch. 80-101, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.021-.029, 430.03(6) FS., ch. 91-115, s. 10, Laws of Fla. History-New 12-23-81, Formerly 10A-11.02, 10A-11.002, Amended 3-28-95,_____.

58C-1.002 Eligibility.

To be eligible for CCE services a persons must be who meet the following criteria are eligible for CCE core services:

- (1) Shall be Age 60 or over; and
- (2) Shall be Functionally impaired as determined by through an the initial comprehensive assessment and at least an annual reassessment shall be reassessed at least annually;
- (2) Priority shall be given to those persons who are assessed to be at risk of placement in an institution or who are abused, neglected or exploited.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.023(4), 410.0241(6), 430.03(6), 430.201-.205 FS., ch. 91-115, s. 10, Laws of Fla. History-New 3-11-81, Formerly 10A-10.02, 10A-10.002, Amended 3-28-95,_____.

58C-1.003 Administration.

(1) The Department shall plan, develop, and coordinate a statewide program to carry out its responsibilities under the CCE program administer directly or through an Area Agency on Aging, at least one community care service system in each planning and service area where practical.

(2)(a) The AAA, under contract with the department, shall Area Agency on Aging responsibilities include:

(a) Comply with State of Florida procedures regarding solicitation and execution of contracts with service providers; and

- 1. Plan for and approve funds for community care service systems;
- 2. Submit annually to the Department Community Care for the Elderly Contract Module Sections of the Area Plan;

~~(b)3. Designate lead agencies and administer the CCE Community Care for the Elderly Program in accordance with the Department of Elder Affairs Programs and Service Manual incorporated by reference in Rule 58C-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;~~

- ~~4. Administer Community Care for the Elderly contracts;~~
- ~~5. Cooperate with lead agencies to determine core services to be funded;~~
- ~~6. Designate lead agencies;~~
- ~~7. Advertise funds available for lead agencies and core services;~~
- ~~8. Provide technical assistance to lead agency applicants;~~
- ~~9. Require annual submission of Service Provider Application, DOEA Form #218, dated September 1994, available in the Office of the Secretary and herein incorporated by reference, for funding of current lead agency and core service providers utilizing applications provided by the Department;~~
- ~~10. Notify applicants of acceptability of applications and any further action;~~
- ~~11. Assess applicant's ability to be a lead agency and provide core services and case management as well as ability to sub-contract, if applicant indicates plans to do so;~~
- ~~12. Provide the Department with review copies of applications;~~
- ~~13. Assess fiscal management capabilities;~~
- ~~14. Monitor the lead agencies' case management capabilities;~~
- ~~15. Assess availability of ten percent match for lead agency budget; match is the minimum funding necessary for the support of project operations and includes in kind or cash contributions;~~
- ~~16. Contract for lead agency and core services according to manuals, rules and contract procedures of the Department. The lead agency shall provide case management and shall subcontract or directly provide core services;~~
- ~~17. Monitor and evaluate contracts programmatically and fiscally;~~
- ~~18. Make payments to contractors;~~
- ~~19. Provide for in-service training for lead agencies at least once a year;~~
- ~~20. Establish procedures for appeals regarding contracts for lead agencies and core services and for appeals regarding denial, reduction or termination of core services and assessed contributions. Criteria are to assure a timely response and identify how appeals are handled and the time limitations involved;~~
- ~~21. Assure that procedures for appeals regarding denial of core services, reduction of core services, or termination of core services are followed by each lead agency.~~

~~(3)(b) Lead Agency shall responsibilities include: provide case management and core services; collect co-payments and contributions for services; maintain client and program records; and provide reports as specified in the Programs and Services Manual incorporated by reference in Rule 58C-1.001, F.A.C.~~

- ~~1. Coordinate services for functionally impaired elderly;~~
- ~~2. Provide case management;~~
- ~~3. Provide or sub-contract for at least four core services;~~
- ~~4. Compile community care statistics as required by the Department;~~
- ~~5. Monitor its sub-contracts following standards set by the Department and as identified in the Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;~~
- ~~6. Make payments to sub-contractors for core services;~~
- ~~7. Collect contributions and donations for core services provided according to Rule 58C-1.007, F.A.C.;~~
- ~~8. Utilize services provided by recipients of core services in lieu of contributions;~~
- ~~9. Locate in a multi-service senior center when practicable;~~
- ~~10. Provide for in-service training for staff including volunteers and core service contractors at least once a year;~~
- ~~11. Accept contributions, gifts and grants to carry out a community care service system;~~
- ~~12. Maximize use of volunteers to provide core services to functionally impaired elderly persons;~~
- ~~13. Demonstrate innovative approaches to program management, staff training, and service delivery that impact on cost avoidance, cost effectiveness and program efficiency;~~
- ~~14. Follow procedures established by the contracting agency for appeals regarding denial, reduction or termination of core services to clients and for appeals regarding contracts for core services;~~
- ~~15. Ensure that quality services are delivered in a timely manner to eligible individuals.~~
- ~~16. Case managers shall ensure that all other resources have been utilized prior to approving the provision of services with Community Care for the Elderly funds.~~
- ~~17. All agencies receiving Community Care for the Elderly funds shall maintain client, fiscal, and program records and provide reports as specified by the Department of Elder Affairs Programs and Services Manual, dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024, 410.0241, 430.03(6), ~~430.201-.205~~ FS., ch. 91-115, s. 10, Laws of Fla. History–New 3-11-81, Formerly 10A-10.03, 10A-10.003, Amended 3-28-95, _____.

58C-1.004 Application Procedures.

Specific Authority 430.08 FS. Law Implemented 430.204, 430.205 FS. History–New 3-11-81, Formerly 10A-10.04, 10A-10.004, Amended 3-28-95, 10-30-05, Repealed _____.

58C-1.005 Service Provider Requirements.

All service providers shall provide services in accordance ~~comply with the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58C-1.001, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024-.0241, 430.03(6), 430.201-.205 FS., ch.91-115, s. 10, Laws of Fla. History–New 3-11-81, Formerly 10A-10.05, 10A-10.005, Amended 3-28-95, _____.

58C-1.007 Contributions and Donations.

Specific Authority 410.021-.029, 430.08 FS., ch. 80-181, s. 10, ch. 91-115, s. 10, Laws of Fla. Law Implemented 410.024(8), 430.03(6),430.06(2)(c)13. FS., ch. 91-115, s. 10., Laws of Fla. History–New 3-11-81, Formerly 10A-10.07, 10A-10.007, Amended 3-28-95, Repealed _____.

58C-1.008 Program Forms.

The following forms shall be used for programs regulated by this rule chapter,; The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at http://elderaffairs.state.fl.us.

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Assessment Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection (1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July; 2006 2000.

Specific Authority 430.08, 430.203-.205 FS. Law Implemented 430.201-.207 FS. History–New 8-20-00, Amended 8-6-01, _____.

58C-1.009 Confidentiality and Disclosure of Information. Entities contracted to provide services under the CCE program shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.205(b)1. FS. Law Implemented 430.207 FS. History–New _____.

DEPARTMENT OF ELDER AFFAIRS

Alzheimer’s Disease Initiative

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58D-1 Administration of the Alzheimer’s Disease Initiative

RULE NOS.: RULE TITLES:

- 58D-1.001 Purpose
- 58D-1.002 Definitions
- 58D-1.003 Eligibility
- 58D-1.004 Program Components
- 58D-1.005 Program Administration
- 58D-1.006 Service Provider Responsibilities
- 58D-1.007 Program Forms
- 58D-1.009 Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58D-1, F.A.C., to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate references that are included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding revisions to the Department of Elder Affairs Programs and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Purpose of the Alzheimer’s Disease Initiative (ADI), definitions used in this rule chapter, eligibility for the ADI program, ADI program components, administration of the ADI program, service provider requirements under the ADI program, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

SPECIFIC AUTHORITY: 410.401(2), 410.401(3), 430.08, 430.501-.504 FS.

LAW IMPLEMENTED: 410.401-.403, 430.04(6), 430.501-.504 FS., s.10, Ch. 91-115, Laws of Florida.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m.
PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org. 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: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochethj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58D-1.001 Purpose.

The purpose of these rules is to provide a framework by which the Department of Elder Affairs will administer Sections 430.501 ~~410.401~~ through 430.504 ~~410.403~~, F.S., the Alzheimer’s Disease Initiative. The Alzheimer’s Disease Initiative (~~hereinafter~~ ADI) was established by the Legislature in 1985 to provide services and training to address the special needs of individuals suffering from Alzheimer’s disease and related memory disorders and their caregivers. It also provides for research relating to the cause, prevention, management, and treatment of the disease.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.401-.403, 430.04(6), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended _____.

58D-1.002 Definitions.

In addition to the definitions included in the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter:

(1) Alzheimer’s Disease: A progressive brain syndrome with insidious onset which results in impaired memory, language and cognitive dysfunction during an alert state; behavioral changes; and a decline in the ability to perform activities of daily living. Alzheimer’s disease can ultimately result in death. The term as used in these rules includes other “related memory disorders.”

(2) Alzheimer’s Disease Advisory Committee: The committee created pursuant to Section 430.502(2), (3) ~~410.401(2)~~, F.S., to advise the Department in the performance of its duties pursuant to the ADI.

(3) Alzheimer’s Disease Initiative ~~or ADI~~: The programs and services created and funded under the provisions of Sections 430.501- 430.504 ~~410.401-.403~~, F.S.

(4) Alzheimer's Disease Research Brain Bank: The entity designated by the ~~d~~Department to collect post mortem ~~normal control brains and~~ brains of individuals who were clinically diagnosed as having Alzheimer's disease for the purpose of conducting comparative research aimed at learning about, finding a cause, and developing a treatment or cure for the disease.

(5) Alzheimer's Disease Registry: The entity designated by the Department to design and operate a data base to support demographic and epidemiological research on Alzheimer's disease.

(5)(6) Area Agency on Aging (AAA): The agency designated by the ~~d~~Department in a planning and service area (~~PSA~~) to develop and administer a plan for a comprehensive and coordinated system of services for older people.

(6) Care Plan: The tool used by the case manager to document the client's assessed needs, desired outcomes, services to be provided, and costs associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client's family or representative. It is designed to assist the case manager in the overall management of the client's care.

(7) Area Plan: ~~The document developed by each Area Agency on Aging and submitted to the Department which identifies the planning, administrative and coordination activities to be undertaken by the Area Agency on Aging to assure a comprehensive and coordinated system of services for older people in the designated planning and service area.~~

(7)(8) Case Management: A client centered series of activities which include planning, arranging and coordinating community-based services for an eligible client and caregiver. Case management is an approved service, even when delivered in the absence of other services. Case management can be offered with services for emergency cases without an assessment for a limited period of time. Case management includes a comprehensive client assessment, development of an individualized care plan with planned client outcomes, and follow-up contacts for the purpose of monitoring the client's situation to ensure assure timely, effective delivery of services. Case management is a required service for model day care and respite care providers. ~~It shall be provided to clients and caregivers in accordance with standards established by the Department.~~

(8)(9) Client: ~~For the purposes of these rules, the client is~~ The person with Alzheimer's disease; however, the client's caregiver will receive residual benefits through the provision of education, training, respite, and support services, as needed.

(9)(10) Department: The Department of Elder Affairs, ~~the state agency designated to administer the ADI.~~

(11) District: ~~The term as used in these rules mean~~ planning and service area.

(10)(12) Memory Disorder Clinic: Research oriented programs created pursuant to Sections 430.502(1) and (2) 410.402(1) and (2), F.S., to provide diagnostic and referral services, conduct basic and service-related multidisciplinary research, and develop training materials and educational opportunities for lay and professional caregivers of individuals with Alzheimer's disease. ~~The memory disorder clinics are located at the University of Florida (Gainesville), University of South Florida (Tampa), University of Miami (Miami), Mount Sinai Medical Center (Miami Beach), North Broward Regional Medical Center (Pompano Beach), and Florida Institute of Technology (Melbourne). Mayo Clinic Jacksonville (Jacksonville) was funded by the 1994 appropriations bill as a memory disorder clinic.~~ Memory disorder clinics shall provide:

(a) A minimum of four (4) hours of in-service training annually to model day care and respite care providers in the designated service area; and

(b) A minimum of one (1) annual contact with each model day care and respite care provider in the designated service area to plan and develop service-related research projects.

(11)(13) Model Day Care Program: Refers to the three specialized day care programs specifically authorized by Section 430.502(4) 410.402(3), F.S. These programs provide a therapeutic setting for the provision of specialized services to persons clients with Alzheimer's disease. They also provide training to health care and social service personnel and caregivers, and serve as a natural laboratory for research.

(12)(14) Planning and Service Area (~~PSA~~): ~~The term as used in these rules means~~ A geographic area of Florida that is designated for purposes of planning, development, delivery and overall administration of services under the ADI.

(13)(15) Programs and Services Manual: Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is dated July 1994 and revised November 1994, available from at the Office of the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us> incorporated herein by reference.

(14)(16) Related Memory Disorders: Other forms of progressive memory disorders that result in diminished memory, language, and other cognitive functions and the inability to perform activities of daily living. ~~Related memory disorders are included under the ADI in these rules.~~

(15)(17) Research: ~~The term as used in these rules refers to~~ Investigations undertaken to learn more about the Alzheimer's disease process in order to determine the cause, resulting behavioral changes, treatment, cure, and family or societal impact of Alzheimer's the disease.

~~(16)~~(18) Respite Care: A service to provide supervision and companionship for a specified period of time to a person with a diagnosis of Alzheimer’s disease, or a related disorder, as defined in these rules. The purpose of respite care is to provide temporary relief to the primary caregiver. Service providers may provide ~~offer~~ personal care services, as defined in Section 400.402(16), F.S., and essential supplies to a client under these rules. Respite care may be provided in the following settings:

(a) Facility-Based Respite: Respite care provided in a facility such as a licensed nursing home, adult day care center, assisted living facility ~~adult congregate living facility~~, or other facility operated ~~by a program~~ under an ADI contract ~~with funds provided by the department~~.

(b) No change.

~~(17)~~(19) Service Provider: A private or public organization receiving funds from the ~~d~~Department to provide services to individuals with Alzheimer’s disease or to their caregivers.

~~(18)~~(20) Training: ~~The term as used in these rules refers to~~ The provision of educational activities and instruction to assist health care professionals, and social service providers, and the client’s caregivers in understanding Alzheimer’s disease and to increase their knowledge and caregiving skills.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.401-.402, 430.04(6), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.003 Eligibility.

(1) To be eligible to receive model day care services, an individual, ~~regardless of age~~, must be 18 years of age and have a diagnosis of Alzheimer’s disease or a related memory disorder.

(2) To be eligible to receive all other services funded under the ADI, an individual, regardless of age, must be 18 years of age or older and have a diagnosis of Alzheimer’s disease or a related memory disorder, may be diagnosed as having or be suspected of having Alzheimer’s disease or a related memory disorders to be eligible for all other services funded under the Alzheimer’s Disease Initiative.

(3) The caregivers of individuals receiving services ~~funded~~ under the ADI are eligible to receive training and related support services to assist them in caring for the person with Alzheimer’s disease.

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.402(2)-(4), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.004 Program Components.

(1) In its role as advisor to the ~~d~~Department, the Alzheimer’s Disease Advisory Committee shall provide feedback ~~have responsibility~~ for each of the following components:

- (a) Memory Disorder Clinics;
- ~~(b) Registry;~~
- ~~(b)~~(e) Brain Bank;
- ~~(c)~~(d) Model Day Care; and
- ~~(d)~~(e) Respite Care.

(2) The Alzheimer’s Disease Advisory Committee shall address service, training, research, and coordination among components.

(3) The Alzheimer’s Disease Advisory Committee may enlist services, assistance, and direction from a broad representation of health care professionals, service providers, individuals affiliated with the Alzheimer’s Association, caregivers, and other interested or knowledgeable parties.

Specific Authority 410.401(2), 430.08 FS. Law Implemented 410.401(2), 430.501-.504 FS., s. 10, Ch. 91-115, Laws of Florida. History–New 3-28-95, Amended.

58D-1.005 Program Administration.

(1) The Department of Elder Affairs shall plan, develop and coordinate a statewide program to carry out its responsibilities under the ADI. ~~The Department shall:~~

- ~~(a) Develop a multi-year plan.~~
- ~~(b) Allocate funds for respite services based on the number and proportion of persons seventy-five years of age and older within counties in the Planning and Service Areas.~~
- ~~(c) Develop provider application package(s) and contract specifications, including requirements for a research component in each contract, for distribution to the Area Agencies on Aging and service providers.~~
- ~~(d) Establish policies and procedures for service providers.~~
- ~~(e) Provide technical assistance to staff of the Area Agencies on Aging and service providers as requested.~~
- ~~(f) Evaluate Alzheimer’s disease programs.~~
- ~~(g) Monitor services to assess quality of service delivery.~~
- ~~(h) Develop program reports.~~
- ~~(i) Maintain a resource library for staff development. Include training materials pertaining to Alzheimer’s disease and a list of information and referral services throughout Florida.~~
- ~~(j) Provide access to training whenever possible.~~
- ~~(k) Provide staff support to assist the Alzheimer’s Disease Advisory Committee in the performance of its duties.~~

~~(1) Establish guidelines and procedures for the award and allocation of funds received pursuant to Section 410.401(3), F.S., Note, into a Department administrative trust fund.~~

(2) The AAA, Area Agency on Aging under contract with the ~~d~~Department, shall be responsible for the planning and administration of respite and model day care services funded under the ADI and, ~~in turn~~, shall contract with local service providers for the provision of these services. ~~The Department~~

~~may retain the budget authority to contract directly with service providers for the implementation of special projects when appropriate. Each AAA Area Agency on Aging shall:~~

~~(a) In conjunction with the Department, establish priorities, policy and procedures for administration and delivery of services, and include objectives for the Alzheimer's Disease Initiative in the area plan.~~

~~(a)(b) Comply with State of Florida procedures regarding solicitation and execution of agreements with providers of services.~~

~~(c) Review and critique applications to ensure completeness and accuracy of information, and assess the applicant's ability to provide required services and manage a subcontract.~~

~~(d) Assure that all service provider contracts include a requirement for an Alzheimer's disease research component and responsibility for coordination with other Alzheimer's Disease Initiative components.~~

~~(e) Assure that all client information and program reports, including reports of research efforts, are complete and accurate.~~

~~(f) Provide for staff development and training of provider staff.~~

~~(g) Assume contract management responsibilities.~~

~~(h) Assess fiscal management capabilities of service providers.~~

~~(i) Monitor service providers.~~

~~(j) Process payments to service providers.~~

~~(k) Provide technical assistance to service providers as requested or required.~~

~~(l) Establish procedures for appeals by clients and contract service providers.~~

~~(m) Ensure that grievance and appeals procedures are adhered to by service providers.~~

~~(b)(n) Maintain coordination with the mMemory dDisorder cClinics, the Alzheimer's Disease Brain Bank, the Alzheimer's Disease Registry, and all other components of the ADI in the designated PSA planning and service area as outlined in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(c)(o) Comply with all terms and conditions of the contract with the department and the guidelines specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(p) Make available reports submitted to the Department by the memory disorder clinics, the registry, and the brain bank to other service providers in the designated planning and service area.~~

Specific Authority 430.08 FS. Law Implemented 430.502, 430.503 FS. History--New 3-28-95, Amended 10-30-05,_____.

58D-1.006 Service Provider Responsibilities.

Each service provider shall:

(1) through (3) No change.

~~(4) Provide case management services as applicable and as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(5) Provide respite or model day care services, and maintain coordination with or the services of the memory disorder clinics, and the registry or brain bank as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(6) Provide pre-service preservice and in-service inservice training for staff and volunteers as specified in the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

(7) through (8) No change.

~~(9) Collect co-payments for services as specified in the Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C. Request contributions and ensure that contributions are only used to expand program services.~~

(10) through (12) No change.

~~(13) Maintain client and program records, and provide reports as required by the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58D-1.002, F.A.C., dated July 1994 and revised November 1994, available in the Office of the Department Secretary and at each Area Agency on Aging, and incorporated herein by reference.~~

~~(14) Establish goals and objectives for the Alzheimer's Disease Initiative research component and submit reports as specified by the Department on research activities.~~

Specific Authority 410.401(3), 430.08 FS. Law Implemented 410.402(3)-(5), 410.403, 430.06(2), 430.501-504 FS., s. 10, Ch. 91-115, Laws of Florida. History--New 3-28-95, Amended _____.

58D-1.007 Program Forms.

The following forms shall be used for programs regulated by this rule chapter. The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA Area Agency on Aging, and the department Web site at <http://elderaffairs.state.fl.us>:

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Form, dated 2006 July, 2000.

(b) DOEA Form 701B, Assessment Instrument, dated 2006 July, 2000.

(c) DOEA Form 701C, Congregate Meals Form, dated 2006 July, 2000.

(2) For purposes of completing forms listed in subsection

(1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated 2006 July, 2000.

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July, 2006 2001.

Specific Authority 430.08, 430.501-.503 FS. Law Implemented 430.501-.504 FS. History--New 8-20-00, Amended 8-6-01,_____.

58D-1.009 Confidentiality and Disclosure of Information.

Entities contracted to provide services under the ADI shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.501-430.504 FS. Law Implemented 430.501-430.504 FS. History--New _____.

DEPARTMENT OF ELDER AFFAIRS

Home Care for the Elderly

RULE CHAPTER NO.: RULE CHAPTER TITLE:

58H-1 Home Care for the Elderly

RULE NOS.: RULE TITLES:

- 58H-1.001 Purpose
- 58H-1.002 Definitions
- 58H-1.003 Program Administration
- 58H-1.004 Access to the Program
- 58H-1.005 Client Eligibility
- 58H-1.006 Caregiver Requirements
- 58H-1.007 Dwelling Requirements
- 58H-1.008 Appeal Proceedings
- 58H-1.009 Program Forms
- 58H-1.010 Confidentiality and Disclosure of Information

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to update Rule Chapter 58H-1, F.A.C., to reflect current statutory language, policies, and procedures; to add language regarding confidentiality and disclosure of information; to update program forms; and to delete duplicate

references included in the revised Department of Elder Affairs Programs and Services Manual, 2006, which is incorporated by reference in this rule chapter. A notice of proposed rule development regarding changes to the Department of Elder Affairs Programs and Services Manual, July 1994 and revised November 1994, was published in the Florida Administrative Weekly on June 24, 2005.

SUBJECT AREA TO BE ADDRESSED: Purpose of the Home Care for the Elderly (HCE) program, definitions used in this rule chapter, administration of the HCE program, HCE program access, HCE program eligibility, caregiver requirements, dwelling requirements, appeal procedures, program forms, and the addition of language regarding confidentiality and the disclosure of information procedures.

SPECIFIC AUTHORITY: 430.08, 430.603 FS.

LAW IMPLEMENTED: 430.601-.606 FS.

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

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

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 72 hours before the workshop/meeting by contacting: Jim Crochet at 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochetj@elderaffairs.org. 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 DEVELOPMENTS AND A COPY OF THE PRELIMINARY DRAFT IS: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, telephone number (850)414-2000, Email address crochetj@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58H-1.001 Purpose.

The purpose of these rules is to provide a framework for the Department of Elder Affairs to administer Sections 430.601-430.608, F.S. The Home Care for the Elderly (HCE) program provides rules encourage the provision of care for the elderly in family-type living arrangements in private homes as an alternative to and prevention of premature or inappropriate institutionalization by providing assistance through financial subsidies and support services to encourage and assist those individuals who live with and willing to provide care for frail elderly individuals in family-type arrangements in private homes on a not for profit basis.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History–New 1-1-96, Amended _____.

58H-1.002 Definitions.

~~The following are~~ In addition to definitions found in Sections 430.602 and 430.203(1) and (9), F.S., and the Department of Elder Affairs Programs and Services Manual, 2006, incorporated by reference in this rule, the following terms are defined in this rule chapter:

(1) ASSESSMENT INSTRUMENT: DOEA Form 701B, the tool prescribed by the department for use in determining the client’s level of functioning, existing resources, service needs, and priority for services. ACTIVITIES OF DAILY LIVING (ADL) are functions and tasks for self care, such as ambulating, bathing, dressing, eating, grooming, and other personal care activities.

(2) BASIC SUBSIDY: is Aa monthly payment made to the caregiver for support and health maintenance; to assist with the cost of housing, food, clothing, medical and dental services, and incidentals; not covered by Medicare, Medicaid and other insurance.

(3) CARE PLAN: The tool used by the case manager to document a client’s assessed needs, desired outcomes, services to be provided, and cost associated with the provision of services. The care plan is a plan of action, developed in conjunction with the client, caregiver, and the client’s family or representative. It is designed to assist the case manager in the overall management of the client’s care, means a plan which specifies the ongoing services prescribed for a Home Care for the Elderly client to meet the needs identified in the comprehensive assessment. The care plan shall specify the estimated duration, desired frequency, problem statements, and scope of the services to be provided. The care plan shall identify the caregiver, provider agency, or other organization responsible for providing the service(s). The care plan shall include a listing of desired outcomes agreed to with the client and caregiver. The care plan shall be developed, signed and dated by the case manager, the client, and caregiver.

(4) CAREGIVER: is Aan adult person(s), age 18 or above, who applies and is approved by the case management Lead aAgency to provide care to three (3) or fewer elderly persons client(s) in the private residence of the client or caregiver on a non-profit basis.

(5) CASE MANAGEMENT: is Aa client centered series of activities which includes planning, ~~arranging arrangement for,~~ and ~~coordinating coordination~~ of community-based services for an eligible client. Case ~~m~~Management is a service which may be delivered in the absence of other services. Case ~~m~~Management activities include intake and referral, comprehensive assessment and reassessment, development of a care plan with planned client outcomes, assistance in helping clients to obtain community resources, follow-up contacts for

the purpose of monitoring client progress to ~~ensure~~ assure effective delivery of services, and travel time related to the client’s case.

(6) CASE MANAGEMENT AGENCY: The CCE lead agency or other agency under contract with an area agency on aging (AAA) to provide case management services.

~~(7)(6) DWELLING: means Aa family-type home that serves as the primary residence of the client or caregiver.~~

~~(7) HOME CARE CLIENT means an individual who meets all eligibility requirements for this program, and who without home care supportive services could require placement in an institution or nursing home.~~

(8) PLANNING AND SERVICE AREA (PSA): A geographic area of Florida that is designated for the purposes of planning, development, delivery, and overall administration of services under the HCE program.

(9) PROGRAMS AND SERVICES MANUAL: The Department of Elder Affairs Programs and Services Manual, 2006. The manual includes descriptions, policies, and procedures for the operations of programs and services under the jurisdiction of the department. The manual is hereby incorporated by reference in this rule chapter. A copy of the manual is available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, each AAA, and the department Web site at <http://elderaffairs.state.fl.us>.

~~(10)(8) SERVICE PROVIDER: means Aa Community Care for the Elderly CCE lLead aAgency that is awarded a contract to provide case management and other services under the HCE pProgram.~~

(11)(9) SPECIAL SUBSIDY: means Aa flexible payment that is ~~has been~~ pre-authorized on the care plan by the Lead Agency cCase mManager to purchase any specialized medical or health care services, supplies or equipment, which are required to maintain the health and well-being of the elderly person. The special subsidy This supplement is separate from ~~and~~ may be utilized in addition to the basic subsidy.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History–New 1-1-96, Amended _____.

58H-1.003 Program Administration.

The Home Care for the Elderly Program shall be administered directly by the Department through an Area Agency on Aging located within a Planning and Service Area.

(1) The Department of Elder Affairs shall, plan, develop, and coordinate a statewide program to carry out its responsibilities under the Home Care for the Elderly (HCE) statutes, including entering into contracts with AAAs for the provision of HCE services within the designated PSA. The Department’s responsibilities include:

- ~~(a) Coordinating statewide activities necessary to carry out the provisions of the Home Care for the Elderly law;~~
- ~~(b) Developing program policies and plans;~~
- ~~(c) Setting service standards and rates;~~

~~(d) Providing for program development and quality through monitoring, technical assistance, staff development and training, and evaluation activities; and~~

~~(e) Contracting with the Area Agency on Aging for provision of Home Care for the Elderly services.~~

~~(2) The AAAs shall comply with the Area Agency on Aging's responsibilities include:~~

~~(a) State of Florida procedures regarding solicitation and execution of contracts with service providers; and~~

~~(b)(a) Terms and conditions of the contract with the department and Administering the HCE Home Care for the Elderly pProgram provisions in accordance with the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., dated July 1994, revised January 1996, and the Division of Administration Policy Memorandum A0016, dated December 1995, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference;~~

~~(b) Administering the Home Care for the Elderly contracts with Community Care for the Elderly Lead Agencies;~~

~~(c) Contracting with the Lead Agency for provision of Home Care for the Elderly Case Management;~~

~~(d) Providing information regarding available subsidy funding;~~

~~(e) Providing technical assistance to Lead Agencies;~~

~~(f) Requiring Lead Agencies to annually submit the Service Provider Application, (DOEA Form 218, September 1994, revised October 1, 1995, available in the Office of the Secretary and herein incorporated by reference) for funding of current Lead Agency to provide Home Care for the Elderly;~~

~~(g) Providing the Department with review copies of applications;~~

~~(h) Monitoring Lead Agencies' programmatic and fiscal capabilities;~~

~~(i) Making Home Care for the Elderly basic and special subsidy payments after verification schedules have been reviewed;~~

~~(j) Reconciling client data input in Department's Client Information and Registration Tracking System from the Lead Agency and any fiscal verification schedules before making basic or special subsidy payments or Lead Agency Case Management payment;~~

~~(k) Compiling program statistics required by the Department;~~

~~(l) Providing for in service training for Lead Agencies at least once a year;~~

~~(m) Having and implementing procedures and time frames for appeals regarding contracts for Lead Agencies and for appeals regarding denial, reduction or termination of services to clients pursuant to Rule 58H-1.008, F.A.C.; and;~~

~~(n) Hearing appeals not resolved at the Lead Agency.~~

~~(3) The case management Lead Agency shall responsibilities include:~~

~~(a) Determining eligibility for the HCE Home Care for the Elderly pProgram using the assessment instrument for functionally impaired and financially eligible elderly;~~

~~(b) Providing case management services as applicable and specified in accordance with the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.; and~~

~~(c) Coordinating services;~~

~~(d) Compiling program statistics as required by the Department;~~

~~(e) Determining basic and special subsidy payments to caregivers as required;~~

~~(f) Entering data on clients in Department's Client and Information Tracking System monthly;~~

~~(g) Providing for in-service training for staff including volunteers at least once a year;~~

~~(h) Accepting contributions, gifts and grants to carry out services;~~

~~(i) Maximizing use of volunteers to provide services to functionally impaired elderly persons;~~

~~(j) Having and implementing procedures and time frames for appeals regarding denial, reduction or termination of services to clients pursuant to Rule 58H-1.008, F.A.C.;~~

~~(k) Ensuring that quality services are delivered in a timely manner to eligible individuals; and~~

~~(c)(4) Maintaining client, fiscal, and program records and provide reports as specified by the Department of Elder Affairs Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., dated July 1994 and revised January 1996, and the Division of Administration Policy Memorandum A0016, dated December 1995, available in the Office of the Department Secretary and at each Area Agency on Aging, and herein incorporated by reference.~~

Specific Authority 430.08, 430.603 FS. Law Implemented 430.60-.606 FS. History-New 1-1-96, Amended _____.

58H-1.004 Access to the Program.

~~(1) Requests for the HCE Home Care for the Elderly pProgram services may be initiated by the potential home care applicant client or the applicant's caregiver on behalf of the client.~~

~~(2) The service provider shall not arrange for recruitment and matching of potential providers and recipients to facilitate admittance to the Home Care for the Elderly Program between two unrelated or unfamiliar parties.~~

~~(3) The application process shall include:~~

~~(a) Client assessment and determination of functional and financial eligibility.~~

~~(b) Caregiver eligibility, including an assessment of the home.~~

~~(2)(4)~~ The application process must be completed as specified by the Department's Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.005 Client ~~Functional and Financial~~ Eligibility.

(1) To be eligible for the HCE Home Care for the Elderly pProgram, an applicant must:

(a) Be age 60 or older; and

~~(b) Have completed on their behalf, an Intake and Comprehensive Uniform Client Assessment, DOEA Form 111A and B, Feb. 1992, for Home Care for the Elderly services;~~

~~(b)(e)~~ Meet the criteria for functional and financial eligibility set forth under subparagraphs 1. through 5. below:-

1. ~~Be~~ Shall have been assessed and determined to be at risk of nursing home placement based on the ~~comprehensive uniform client assessment instrument pursuant to Rule 58H-1.009, F.A.C.; and~~

2. ~~Have~~ Shall self-declared their income and assets which ~~do not cannot~~ exceed the Institutional Care Program (ICP) limits ~~set by used under~~ Medicaid for eligibility for nursing home care; or;

3. ~~Receive~~ Shall be a recipient of Supplemental Security Income (SSI); or;

4. ~~Receive benefits as a~~ Shall be a recipient of Medicaid for the Aged or Disabled (Meds AD), or Qualified Medicare Beneficiary (QMB), or as a Special Low Income Medicare Beneficiary (SLMB); and

5. ~~Shall~~ Have an approved caregiver who meets the caregiver requirements pursuant to Rule 58H-1.006, F.A.C., and the dwelling requirements pursuant to Rule 58H-1.007, F.A.C.

(2) ~~Once eligibility has been determined, the caregiver and client will be notified of their eligibility status for the Home Care for the Elderly Program.~~

~~(a) A Care Plan specifying the services and the amount of monthly basic subsidy, and if authorized, special subsidy for which the client has been determined eligible, will be signed and dated by the caregiver, client and the case manager.~~

~~(b) Subsidy payment shall be based on the financial status of the client receiving care.~~

~~(3) If determined ineligible, the client and caregiver shall be notified of their right to an appeal.~~

Specific Authority 430.08, 430.403 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.006 Caregiver Requirements.

(1) Caregivers shall meet the requirements as specified in the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C. A caregiver in the Home Care for the Elderly Program shall:

~~(a) Be a mature adult, age 18 or above, capable of providing a family type living environment and willing to accept the responsibility for the social, physical and emotional needs of the home care client;~~

~~(b) Be a relative or friend who has been accepted by the client as surrogate family or is a responsible adult with whom the client has made an arrangement to provide home care services;~~

~~(c) Be physically present to provide supervision and to assist in arrangement of services for the client;~~

~~(d) Maintain the residential dwelling free of conditions that pose an immediate threat to the life, safety, health and well being of the home care client pursuant to Rule 58H-1.007, F.A.C.; and;~~

~~(e) Be without record of conviction of abuse, neglect or exploitation of an older person, adult or child; shall not have been the perpetrator in a confirmed report of abuse, neglect or exploitation of another person by the Abuse Registry or other investigation process; and shall be willing to sign a statement which certifies that they are without record of conviction or have not been a perpetrator in a proposed confirmed or confirmed report of abuse, neglect or exploitation of another person by the Abuse Registry or other investigative process and grants written authorization to the Lead Agency to check the Abuse Registry through the Florida Department of HRS. The Lead Agency may grant an exemption from this disqualification following the procedures outlined in the DOEA Programs and Services Manual.~~

(2) The case management agency may exempt a caregiver from certain requirements as specified in the Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.007 Dwelling Requirements.

(1) The dwelling must comply with safety, fire, and sanitation standards as described in the Department's Programs and Services Manual incorporated by reference in Rule 58H-1.002, F.A.C., Chapter II 3, Client Assessment, Section C.

(2) When a home is determined not to meet the standards set forth for the HCE Home Care pProgram, the applicant, client, or caregiver shall be notified in writing.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Amended.

58H-1.008 Appeal Proceedings.

Specific Authority 430.603 FS. Law Implemented 430.601-.606 FS. History-New 1-1-96, Repealed.

58H-1.009 Program Forms.

The following forms shall be used for programs regulated by this rule chapter. The forms are hereby incorporated by reference, and are available from the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, in the Office of the Secretary and at each AAA, and the department Web site at http://elderaffairs.state.fl.us. Area Agency on Aging:

(1) For purposes of assessment:

(a) DOEA Form 701A, Prioritization Assessment Form, dated ~~2006 July, 2000.~~

(b) DOEA Form 701B, Assessment Instrument, dated ~~2006 July, 2000.~~

(c) DOEA Form 701C, Congregate Meals Form, dated ~~2006 July, 2000.~~

(2) For purposes of completing forms listed in subsection

(1): DOEA Form 701D, Assessment Instructions (701A, 701B, 701C), dated ~~2006 July, 2000.~~

(3) For purposes of documenting planned services of care: DOEA Forms 203A, Care Plan, and 203B, instructions dated July, ~~2006 2001.~~

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History--New 8-20-00, Amended 8-6-01,_____.

58H-1.010 Confidentiality and Disclosure of Information.

Entities contracted to provide services under the HCE program shall collect, maintain, and exchange information about consumers applying for services in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996.

Specific Authority 430.08, 430.603 FS. Law Implemented 430.601-.608 FS. History--New _____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: RULE TITLE:

59C-1.002 Definitions

PURPOSE AND EFFECT: The agency is proposing to amend the rule that defines terms used in Chapter 59C-1, F.A.C. due to recent statutory changes. A preliminary draft of the rule amendments is included in this Notice.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that defines terms used in Chapter 59C-1, F.A.C.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.

LAW IMPLEMENTED: 408.033(1)(a), 408.036(1)-(3), 408.037(1), 408.039(2), 651.118 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 18, 2006, 2:00 p.m. (EST)

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Weaver Webb, Certificate of Need, 2727 Mahan Drive, Building 1, MS 28, Tallahassee, Florida 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.002 Definitions.

(1) "Acute care bed" means a patient accommodation or space licensed by the agency pursuant to Chapter 395, Part I, F.S., and regulated under Rule 59C-1.038, F.A.C. Acute care beds exclude neonatal intensive care beds, comprehensive medical rehabilitation beds, beds used to provide mental health services as defined under subsection (29) of this section, hospital inpatient psychiatric beds, hospital inpatient substance abuse beds, beds in distinct part skilled nursing units, and beds in long term care hospitals licensed pursuant to Chapter 395, Part I, F.S.

(2) "Applicant" means any individual, partnership, corporation, or governmental entity which has filed an application for a Certificate of Need or Certificate of Need Exemption with the agency.

(3) "Application" means the forms supplied by the agency to an applicant which are to be completed in order to be eligible to be considered for a Certificate of Need in the case of comparative and expedited Certificate of Need reviews pursuant to Section 408.036(1) or (2), F.S., or a written communication requesting exemption to Certificate of Need review pursuant to Section 408.036(3), F.S., and Rule 59C-1.005, F.A.C.

(4) No change.

(5) "Batching cycle" means the grouping for comparative review of Certificate of Need applications submitted for beds, services or programs having a like Certificate of Need need methodology or licensing category in the same planning horizon and the same applicable service planning area, district, service area, or subdistrict.

(6) through (11) No change.

(12) "Comprehensive medical rehabilitation inpatient beds" means beds designated for the exclusive use for comprehensive medical rehabilitation inpatient services regulated under Rule 59C-1.005 and Rule 59C-1.039, F.A.C.

(13) "Conversion from one type of health care facility to another" means the reclassification of one licensed facility type to another licensed facility type, including reclassification from a general acute care hospital to a long term care hospital or specialty hospital, or from a long term care hospital or specialty hospital to a general acute care hospital, or from a

general acute care hospital to a long term care hospital or specialty hospital provided the specialty hospital is not subject to Section 395.003(9), F.S.

(14) "Conversion of beds" means the reclassification of licensed beds from one category to another, for facilities licensed under Chapter 395, F.S., including conversion to or from acute care beds, neonatal intensive care beds, beds that provide hospital mental health services ~~inpatient psychiatric beds~~, comprehensive medical rehabilitation beds, ~~hospital inpatient substance abuse beds~~, distinct part skilled nursing facility beds, or beds in a long term care hospital; and, for facilities licensed under Chapter 400, Part I, F.S., conversion to or from sheltered beds and community beds.

(15) No change.

(16) "Established program" means a program for the provision of a Certificate of Need regulated institutional health service which has a valid Certificate of Need or Certificate of Need Exemption for the program or existed prior to the requirement for a Certificate of Need or Certificate of Need Exemption and has been continuously in operation, and has performed at least one institutional health service.

(17) "Exemption" means the Certificate of Need review process by which a proposal that would otherwise require a batched or expedited review certificate of need review may proceed without such a review certificate of need.

(18) through (21) No change.

(22) "Hospital inpatient psychiatric beds" means beds designated for the exclusive use of hospital inpatient psychiatric services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.040, F.A.C.

(23) "Hospital inpatient substance abuse beds" means beds designated for the exclusive use of hospital inpatient substance abuse services regulated under Rule 59C-1.005, F.A.C. and Rule 59C-1.041, F.A.C.

(24) through (27) No change.

(28) "Long term care hospital" means a hospital licensed under Chapter 395, ~~Part I, F.S.~~, which meets the requirements of 42 (C.F.R.) Part 412, subpart B, paragraph 412.23(e), Code of Federal Regulations (1994), and seeks exclusion from the acute care Medicare prospective payment system for inpatient hospital services.

(29) through (31) No change.

(32) "Nursing home" means a health care facility licensed under Chapter 400, Part II, F.S.

(33) through (35) No change.

(36) "Sheltered nursing home beds" mean nursing home beds configured into a nursing home facility licensed pursuant to Chapter 400, Part II, F.S., which are located within a continuing care retirement community certified under Chapter 651, F.S., for which a certificate of need has been issued as sheltered beds, and which are regulated under Rule 59C-1.037, F.A.C.

(37) "State Agency Action Report" means the single written document prepared by the agency after reviewing a Certificate of Need comparative or expedited application, or applications where more than 1 Certificate of Need application is accepted by the agency in the same batching cycle, which sets forth the evaluation of the agency with respect to the application or applications.

(38) No change.

(39) "Substantial change in health services" means:

(a) The offering by a health care facility, through conversion of beds or other means, of a new institutional health service or a health service which has not been offered on a continuing basis by or on behalf of the health care facility within the 12-month period prior to the time such service would be offered, excluding obstetrical services; or

~~(b) The designation of acute care beds in a health care facility as beds regulated under Rule 59C-1.036, F.A.C., or the redesignation of such beds back to acute care beds; or~~

~~(b)(c)~~ (e) The conversion of a general acute care or specialty hospital licensed under Chapter 395, ~~Part I, F.S.~~, to a long term care hospital.

(40) "Termination of an inpatient health service" means the cessation of a health service which currently requires a Certificate of Need or Certificate of Need Exemption. It does not include the temporary cessation of a service lasting 6 months or less.

(41) "Tertiary health service" means a health service which, due to its high level of intensity, complexity, specialized or limited applicability, and cost, should be limited to, and concentrated in, a limited number of hospitals to ensure the quality, availability, and cost effectiveness of such service. Examples of such service include, but are not limited to, pediatric cardiac catheterization, pediatric open heart surgery, organ transplantation, specialty burn units, neonatal intensive care units, comprehensive rehabilitation, and medical or surgical services which are experimental or developmental in nature to the extent that the provision of such services is not yet contemplated within the commonly accepted course of diagnosis or treatment for the condition addressed by a given service. The types of tertiary services to be regulated under the Certificate of Need Program in addition to those listed in Florida Statutes include:

- (a) Heart transplantation;
- (b) Kidney transplantation;
- (c) Liver transplantation;
- (d) Bone marrow transplantation;
- (e) Lung transplantation;
- (f) Pancreas and islet cells transplantation;
- (g) Heart/lung transplantation;
- (h) Adult open heart surgery; and
- (i) Long term care hospitals, Neonatal and pediatric cardiac and vascular surgery; and

~~(j) Pediatric oncology and hematology.~~

~~In order to determine whether services should be added or deleted, the listing shall be reviewed annually by the agency.~~

(42) through (43) No change.

Specific Authority 408.034(6)(5), 408.15(8) FS. Law Implemented 408.033(1)(a), 408.036(1)(2)(3), 408.037(1), 408.039(1)(2), 651.118 FS. History—New 1-1-77, Joint Administrative Procedures Committee Objection Filed See F.A.W. Volume 3, No. 10 March 11, 1977, Amended 11-1-77, 9-1-78, 6-5-79, 4-25-80, 2-1-81, 3-31-82, 7-29-82, 12-23-82. Formerly 10-5.02, Amended 11-17-87, 12-5-90, 1-31-91, 1-1-92, Formerly 10-5.002, Amended 12-14-92, 2-27-94, 6-23-94, 10-18-95, 10-8-97, 12-12-00,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Certificate of Need

RULE NO.: 59C-1.021
 RULE TITLE: Certificate of Need Penalties

PURPOSE AND EFFECT: The agency is proposing to amend the rule that outlines assessment of administrative fines for noncompliance with conditions placed on a Certificate of Need (CON) and Certificate of Need Exemption. The amendment adds a formula to be used in calculating the dollar amount of the fine for indigent care.

SUBJECT AREA TO BE ADDRESSED: Revisions to the rule that addresses assessment of administrative fines for failure to comply with conditions placed on a Certificate of Need (CON) and Certificate of Need Exemption.

SPECIFIC AUTHORITY: 408.034(6), 408.15(8) FS.
 LAW IMPLEMENTED: 408.040(1)(b), (d), (2)(a), 408.061(6), 408.08(2), 408.044 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: 2:30 p.m., Tuesday, October 17, 2006
 PLACE: Agency for Health Care Administration, Building 3, Conference Room C, 2727 Mahan Drive, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Weaver Webb, Certificate of Need, 2727 Mahan Drive, Building 1, Mail Stop 28, Tallahassee, Florida 32308, (850)922-7753

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59C-1.021 Certificate of Need Penalties.

(1) through (2) No change.

(3) Penalties for Failure to Comply with Certificate of Need or Certificate of Need Exemption Conditions. The agency shall review the annual compliance report submitted by the health care providers who are licensed and operate the facilities or services and other pertinent data to assess compliance with certificate of need or certificate of need

exemption conditions. Providers who are not in compliance with certificate of need or certificate of need exemption conditions shall be fined pursuant to paragraph 408.040(1)(e), Florida Statutes. Failure to report compliance with any condition upon which the issuance of the certificate of need or certificate of need exemption was predicated constitutes noncompliance. For community nursing homes or hospital-based skilled nursing units certified as such by Medicare, the first compliance report on the status of conditions must be submitted 30 calendar days following the eighteenth month of operation or the first month where an 85 percent occupancy is achieved, whichever comes first. The schedule of fines is as follows:

(a) Facilities failing to comply with any conditions or failing to provide the certificate of need office with a report on its compliance with conditions set forth on the Certificate of Need or certificate of need exemption, will be assessed a fine, not to exceed \$1,000 per failure per day. In assessing the penalty the agency shall take into account the degree of noncompliance. Fines for noncompliance with an indigent care condition will be assessed using the following formula except when there are found to be mitigating factors or when the condition noncompliance is found to be willful under paragraph (3)(b) of this rule:

CAGP = the service condition agreed to by certificate of need or certificate of need exemption holder

ACTP = the actual percentage of service provided by the certificate of need or the certificate of need exemption holder during the reporting year

FAMT = dollar amount of the fine

FAMT = \$365,000 x (CAGP – ACTP)/CAGP

Indigent care includes charity care and Medicaid. Charity care is defined, for purposes of condition compliance, as the portion of the facility charges reported to the Agency for Health Care Administration for which there is no compensation, other than restricted or unrestricted revenues provided to a facility by local governments or tax districts regardless of the method of payment, for care provided to a patient whose family income for the twelve months preceding the determination is less than or equal to 200 percent of the federal poverty level, unless the amount of charges due from the patient exceeds 25 percent of the annual family income. However, in no case shall the facility charges for a patient whose family income exceeds four times the federal poverty level for a family of four be considered charity. Medicaid patient days are defined, for purposes of condition compliance, as the patient days reimbursed by Medicaid.

(b) The fine for willful noncompliance will be assessed in an amount equal to FAMT + \$365,000 x .5, but the total fine shall not exceed \$365,000. The existence of one or more of the following circumstances will evidence willful condition noncompliance:

1. The CON or CON exemption holder fails to meet its indigent care condition when the provision percentage is below the rate of indigent care provided by all other facilities in the planning area for the reporting period; or

2. The CON or CON exemption holder has been fined for condition noncompliance for any of the previous 3 years' CON condition compliance reporting periods.

(c) The fine assessed using FAMT will be reduced when there is a finding of mitigating factors and the condition noncompliance is not willful. Examples of mitigating factors include but are not limited to the following:

1. The CON or CON exemption holder's history of condition compliance.

2. The CON or CON exemption holder's overall indigent care service.

3. The CON or CON exemption holder's level of indigent care relative to all other similar providers in the relevant planning area.

4. The conditioned facility showing an operating loss or negative total margin on its most recent audited financial statement.

Specific Authority 408.034(6), 408.15(8) FS. Law Implemented 408.040(1)(b), (d), (2)(a), 408.044, 408.061(6), 408.08(2) FS. History--New 7-25-89, Formerly 10-5.021, Amended 12-13-04,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

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

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500. The Department of Health and Human Services, Centers for Medicare and Medicaid, revised the CMS-1500 claim form. The handbook update contains the instructions for the revised claim form. The effect will be to incorporate by reference in rule Update January 2007 to the Florida Medicaid Provider Reimbursement Handbook, CMS-1500.

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

SPECIFIC AUTHORITY: 409.919 FS.

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

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

DATE AND TIME: Monday, October 9, 2006, 10:00 a.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) All Medicaid providers and their billing agents who submit claims on behalf of an enrolled Medicaid provider who are required by their service specific coverage and limitations handbook or other notification by the Medicaid Program to bill the Florida Medicaid Program on a ~~paper~~ CMS-1500 claim form for reimbursement of services performed on a Medicaid eligible recipient, must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, February 2006, updated January 2007, which is incorporated by reference. The handbook is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the handbook may be obtained by calling Provider Inquiry at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference: in Chapter 1, the CMS-1500 Claim Form, Approved OMB-0938-0008 Form CMS-1500 (01-07 42-90), one page double-sided; and in Chapter 2, the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The following forms that are included in Chapter 2 of the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, are incorporated by reference in Rule 59G-4.160, F.A.C.: State of Florida, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, August 2001, one page. All the forms except for the Healthy Start Prenatal Risk Screening Instrument are available from the Medicaid fiscal agent by calling Provider Inquiry at (800)289-7799 or from its website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Medicaid Forms. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912 FS. History--New 10-1-03, Amended 7-2-06,_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE CHAPTER NO.: 60BB-4
 RULE CHAPTER TITLE: School Readiness Services

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to school readiness programs' educational requirements.

SUBJECT AREA TO BE ADDRESSED: School readiness programs' performance standards and outcome measures which include, but are not limited to, educational requirements such as developmentally appropriate curricula, character development programs, age-appropriate assessments of children's development and pretests administered to children when they enter a program and posttests administered to children when they leave the program.

SPECIFIC AUTHORITY: 411.01(4)(e) FS.

LAW IMPLEMENTED: 411.01(5)(c)2.a.-d. FS.

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

DATE AND TIME: October 26, 2006, 10:00 a.m. – 4:00 p.m., or until the close of business

PLACE: Sheraton Tampa Riverwalk Hotel, 200 North Ashley Drive, Tampa, FL 33602, (813)223-2222

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Kelley Cramer, Senior Attorney, Agency for Workforce Innovation, Office of General Counsel, 107 East Madison Street, MSC #110, Tallahassee, Florida 32399-4128, (850)245-7150

AN AGENDA AND THE PRELIMINARY TEXT OF THE PROPOSED RULE ARE AVAILABLE ONLINE AT: <http://www.floridajobs.org/earlylearning/OELrule.html>

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Pari-Mutuel Wagering

RULE NOS.:	RULE TITLES:
61D-14.091	Jobs Compendium Requirement
61D-14.092	Content of Jobs Compendium
61D-14.093	Critical Staff Level List
61D-14.094	Department Approval of Critical Staff Level List Requirement
61D-14.095	Critical Staff Level Requirements

PURPOSE AND EFFECT: The purpose and effect of the proposed rule will be to implement and interpret Florida Statutes that relate to rules regulating the conduct of slot machine operations at pari-mutuel racing facilities.

SUBJECT AREA TO BE ADDRESSED: The subject areas to be addressed in these rules are: a rule requiring a jobs compendium of each licensed slot operations facility to classify all positions for licensure and operational evaluations contained in Rule 61D-14.091, F.A.C.; specify the content of the jobs compendium providing a description of required

information and form for presentation for department approval contained in Rule 61D-14.092, F.A.C.; a requirement for a critical staff level list to reflect the minimum number of employee positions necessary to operate a licensed facility during normal periods of operation and also during special occasions or events contained in Rule 61D-14.093, F.A.C.; procedures for approval of the Critical Staff Level List contained in Rule 61D-14.094, F.A.C.; a requirement that facilities assure staffing levels meet critical staff level requirements for operations contained in Rule 61D-14.095, F.A.C.

SPECIFIC AUTHORITY 551.103, 551.122 FS.

LAW IMPLEMENTED 551.103 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 11, 2006, 10:00 a.m. – Noon

PLACE: Florida Department of Business and Professional Regulation, Northwood Centre, Board Room, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mary Polombo, Clerk, Division of Pari-Mutuel Wagering, 1940 North Monroe Street, Tallahassee, Florida 32399-1035.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Department at least 5 calendar days before the program by contacting Mary Polombo at (850)413-0750. If you are hearing or speech impaired, please contact the agency using the Florida Dual Party Relay System by calling (800)955-8770 (Voice) or (800)955-8771 (TDD).

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Cosmetology

RULE NO.:	RULE TITLE:
61G5-20.002	Salon Requirements

PURPOSE AND EFFECT: To address salon personnel requirements.

SUBJECT AREA TO BE ADDRESSED: Salon Requirements.

SPECIFIC AUTHORITY: 477.016, 477.025(2) FS.

LAW IMPLEMENTED: 477.025 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: Robyn Barineau, Executive Director, Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-6.0035
 RULE TITLE: Application for Provisional and/or Standard Certification

PURPOSE AND EFFECT: The proposed rule amendment clarifies the applicability of rule provisions concerning certain inspector classifications.

SUBJECT AREA TO BE ADDRESSED: Application of Provisional and/or Standard Certification.

SPECIFIC AUTHORITY: 468.606, 468.609 FS.

LAW IMPLEMENTED: 468.609 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G19-6.0035 Application for Provisional and/or Standard Certification.

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

(c) Each applicant for certification as an inspector or plans examiner shall demonstrate that he or she has at least one (1) year of hands-on experience in the category of certification sought, with the exception of 1 and 2 family dwelling inspector. For 1 and 2 family dwelling inspector certification, refer to the specific requirements in Rule 61G19-6.017, F.A.C.

(d) through (3) No change.

Specific Authority 468.606, 468.609 FS. Law Implemented 468.609 FS. History--New 11-28-95, Amended 10-1-97, 2-23-99, 6-3-03,

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Building Code Administrators and Inspectors Board

RULE NO.: 61G19-9.003
 RULE TITLE: Registration of Course Providers

PURPOSE AND EFFECT: The proposed rule amendment clarifies the renewal requirements for Course Providers.

SUBJECT AREA TO BE ADDRESSED: Registration of Course Providers.

SPECIFIC AUTHORITY: 468.606, 468.627(7) FS.

LAW IMPLEMENTED: 468.627 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: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-1.013
 RULE TITLE: Registration Categories

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes in Section 475.161, Florida Statutes, primarily to add the designation of professional limited liability company.

SUBJECT AREA TO BE ADDRESSED: Registration.

SPECIFIC AUTHORITY: 475.05 FS.

LAW IMPLEMENTED: 475.15, 475.183, 475.24 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-1.013 Registration Categories.

(1) Registration in the following categories shall show the name, the business address, effective and expiration date:

- (a) Active broker partnership;
- (b) Active broker corporation;
- (c) Active Limited Liability Company;
- (d) Active Limited Liability Partnership;
- (e) Active professional limited liability company;
- (f) Active Professional Association; and
- (g)(e) Branch office.

(2) An active real estate broker may serve in a non-brokerage capacity as an officer or director with a real estate corporation(s) or a partner in a real estate partnership(s) while maintaining an active license(s) with another real estate brokerage firm(s).

Specific Authority 475.05 FS. Law Implemented 475.15, 475.183, 475.24 FS. History–New 1-1-80, Amended 7-19-83, Formerly 21V-1.13, Amended 6-28-93, Formerly 21V-1.013, Amended 1-18-00,_____.

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 Pharmacy

RULE NO.:	RULE TITLE:
64B16-28.303	Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow for more flexibility in the destruction of controlled substances by permittees.

SUBJECT AREA TO BE ADDRESSED: Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

SPECIFIC AUTHORITY: 465.005, 465.022 FS.

LAW IMPLEMENTED: 465.022, 465.018 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:

64B16-28.303 Destruction of Controlled Substances All Permittees (excluding Nursing Homes).

(1) through (2) No change.

(3) Another method of destruction requires the pharmacist of record for the permit, ~~one other pharmacist~~, a licensed physician, pharmacist, mid-level practitioner, or nurse, and a sworn law enforcement office to serve as the witnesses. A copy of the completed D.E.A. Form 41 and a letter providing the proposed date of destruction, the proposed method of destruction and the names and titles of the proposed witnesses must be received by D.E.A. at least two weeks prior to the proposed date of destruction which shall constitute a request for destruction. The drugs may not be destroyed until D.E.A. grants approval of the request for destruction. A copy of the completed and witnessed D.E.A. Form 41 shall be mailed to D.E.A. immediately after destruction.

(4) No change.

Specific Authority 465.005, 465.022 FS. Law Implemented 465.022, 465.018 FS. History-New 4-24-87, Formerly 21S-19.003, Amended 7-31-91, Formerly 21S-28.303, 61F10-28.303, Amended 1-30-96, Formerly 59X-28.303, Amended_____.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Services

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
65A-1	Public Assistance Programs
RULE NO.:	RULE TITLE:
65A-1.712	SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the proposed rule revise Medicaid policies in accordance with federal law, the Deficit Reduction Act (DRA) of 2005. The DRA provides for reform in the treatment of assets in the institutional Medicaid eligibility determination.

SUBJECT AREA TO BE ADDRESSED: Proposed amendments revise the language to the rule to be consistent with federal regulations regarding transfer of assets provisions and the treatment of assets.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

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

DATE AND TIME: October 9, 2006, 3:00 p.m.

PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-149.037 **RULE TITLE:** Calculation of Premium Rates
PURPOSE AND EFFECT: Pursuant to Sections 627.410(6)(a) and 627.6699(6), Florida Statutes, and the existing language of paragraph 690-149.037(4)(b), Florida Administrative Code, small employer group standard and basic product rates must be filed electronically with the Office of Insurance Regulation (Office), on a 2-50 life basis, using the Rate Collection Systems (CARES). The proposed rule will require all small group rates to be filed electronically with the Office, on a 2-50 life bases, using new software referred to as the Small Employer Rate Collection Systems (SERCS).

SUBJECT AREA TO BE ADDRESSED: Small employer group product rates.

SPECIFIC AUTHORITY: 624.308(1), 624.424(1)(c), 627.6699(17) FS.

LAW IMPLEMENTED: 627.410, 627.6692, 627.6699(3), (6), (12)(e), (13), (13)(i) 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 11, 2006, 1:30 p.m.
PLACE: Room 142, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Bradford 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: Diane Bradford, Life & Health Product Review, Office of Insurance Regulation, E-mail: diane.bradford@fldfs.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 CHAPTER NO.: 690-157 **RULE CHAPTER TITLE:** Long-term Care Insurance
PURPOSE AND EFFECT: To implement HB 947 enacted into law in 2006. The new section will be titled Part III, Long Term Care Partnership Program.

SUBJECT AREA TO BE ADDRESSED: Implementation of a qualified state long-term care insurance partnership program in Florida. Development of the rule(s) for this section will be discussed at the workshop.

SPECIFIC AUTHORITY: 627.94075 FS.
LAW IMPLEMENTED: 409.9102, 627.9407 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 9, 2006, 1:00 p.m.
PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation, E-mail: monica.rutkowski@fldfs.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, IF AVAILABLE, IS: Monica Rutkowski, Life and Health Product Review, Office of Insurance Regulation, E-mail: monica.rutkowski@fldfs.com
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF EDUCATION

Florida School for the Deaf and the Blind

RULE NO.: 6D-7.006 **RULE TITLE:** Student Progression Plan and Requirements for Graduation

PURPOSE AND EFFECT: The purpose of this Rule is to indicate that the Florida School for the Deaf and the Blind’s Student Progression Plan and Requirements for Graduation has been revised to comply with state and federal mandates.

SUMMARY: This rule establishes guidelines for promotion and graduation of students enrolled in the Florida School for the Deaf and the Blind.

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: 1003.49, 1002.36(4)(c) FS.
 LAW IMPLEMENTED: 1003.49 FS.
 A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:
 DATE AND TIME: Saturday, October 21, 2006, 9:00 a.m.
 PLACE: Center for Leadership Development, Moore Hall, FSDB Campus, St. Augustine, 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: Elmer Dillingham, President Florida School for the Deaf and the Blind 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: Elaine Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-7.006 Student Pupil Progression Plan and Requirements for Graduation.

(1) Graduation and promotion requirements adopted by the Board of Trustees for the Florida School for the Deaf and the Blind pursuant to the provisions of Section 1003.49 232-2484, Florida Statutes, are contained in the Florida School for the Deaf and the Blind Student Pupil Progression Plan, revised June, 2006 December 20, 1997, which is hereby incorporated by this rule and made a part of the rules of the Board of Trustees.

(2) Copies of the Student Pupil Progression Plan may be obtained from the President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, Florida 32084 at a cost set by state law ~~price to be established by the President but which shall not exceed actual cost of preparation, printing or reproduction and mailing.~~

Specific Authority 1002.36(4)(c), ~~242-331(3)~~ FS. Law Implemented 1003.49 232-2484, 1002.36(4)(c), ~~242-331(4)~~ FS. History--New 2-17-81. Amended 9-17-85, 8-26-86, 4-12-90, 12-6-92, 3-16-98, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, Jr., President Florida School for the Deaf and the Blind

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 29, July 21, 2006

DEPARTMENT OF EDUCATION
Florida School for the Deaf and the Blind

RULE NO.: 6D-14.002
 RULE TITLE: Transportation Policies and Procedures

PURPOSE AND EFFECT: The purpose of this Rule is to establish written Policies and Procedures to be followed by the Transportation Department of the Florida School for the Deaf and the Blind.

SUMMARY: This rule establishes guidelines and directives for the Transportation Department of the Florida School for the Deaf and the Blind.

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: 1002.36(4)(c) FS.
 LAW IMPLEMENTED: 1002.36(4)(d) FS.

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: Elmer Dillingham, President, Florida School for the Deaf and the Blind 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: Elaine Ocuto, Executive Assistant to the President, Florida School for the Deaf and the Blind, St. Augustine, Florida

THE FULL TEXT OF THE PROPOSED RULE IS:

6D-14.002 Transportation Policies and Procedures
 (1) through (2) No change.

(3) The Florida School for the Deaf and the Blind Transportation Manual revised July 1, 2006, adopted by the Board of Trustees pursuant to the provisions of section 1002.36(4)(c), FS, shall be incorporated by this rule and made a part of the rules of the Board of Trustees.

Specific Authority 1002.36(4)(c) FS. Law Implemented 1002.36(4)(d) FS. History--New 12-20-92, Amended 5-19-03, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Elmer Dillingham, President

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Trustees of the Florida School for the Deaf and the Blind

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 19, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 32, No. 21, 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."

REGIONAL PLANNING COUNCILS

Treasure Coast Regional Planning Council

RULE NOS.:	RULE TITLES:
29K-1.001	Organization
29K-1.002	Purpose
29K-1.003	Definitions
29K-1.004	Membership, Voting and Term of Office
29K-1.005	Vacancies
29K-1.006	Removal From Office
29K-1.007	Officers, Term of Office and Duties
29K-1.008	Meetings
29K-1.009	Finances
29K-1.010	Powers
29K-1.011	Staff
29K-1.012	Committees
29K-1.013	Plans, Studies, Activities, and Reports
29K-1.014	Procedure
29K-1.015	Withdrawal and Dissolution
29K-1.016	Compensation and Expenses of Members
29K-1.017	Amendments
29K-1.019	Information Request

PURPOSE AND EFFECT: The purpose of the proposed rule is to repeal Rules 29K-1.001-29K-1.017, F.A.C., inclusive, and repeal Rule 29K-1.019, F.A.C., relating to the Organization, Purpose and Operation of the Treasure Coast Regional Planning Council because the statutory authority for these rules no longer exists and the effect will be to eliminate these rules.

SUMMARY: Repeal Rules 29K-1.001-1.017, F.A.C., inclusive, and repeal Rule 29K-1.019, F.A.C., relating to the Organization, Purpose and Operation of the Treasure Coast Regional Planning Council. The rule number and title of each of the rules being repealed which describes the subject matter of the repealed text is set forth below under the heading "The Full Text of The Proposed Rule Is".

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

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

SPECIFIC AUTHORITY: 120.53, 120.536 FS.

LAW IMPLEMENTED: 120.53, 120.536 FS.

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

DATE AND TIME: October 20, 2006, 9:30 a.m.

PLACE: Wolf High Technology Center Indian River Community College Chastain Campus 2400 S.E. Salerno Road, Stuart, FL. 34997

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Mr. Michael Busha, Executive Director, Treasure Coast Regional Planning Council, 301 E. Ocean Blvd., Suite 300, Stuart, FL 34994, (772)221-4060

THE FULL TEXT OF THE PROPOSED RULES IS:

29K-1.001 Organization.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History--New 1-12-77, Amended 11-11-80, Formerly 29K-1.01, Repealed.

29K-1.002 Purpose.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 23.012, 120.53(1), 160, 163, 163.3184 (3), 380.05, 380.06, 380.07, 403.723 FS History--New 1-12-77, Amended 11-11-80, Formerly 29K-1.02, Repealed.

29K-1.003 Definitions.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History--New 1-12-77, Amended 8-7-77, 11-11-80, 9-5-82, Formerly 29K-1.03, Repealed.

29K-1.004 Membership, Voting and Term of Office.

Specific Authority 186.505 FS Law, Implemented 186.504 FS History--New 1-12-77, Amended 8-7-77, 11-11-80, 9-5-82, Formerly 29K-1.04, Amended 2-9-86, 2-8-96, 11-22-98, Repealed.

29K-1.005 Vacancies.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History--New 1-12-77, Formerly 29K-1.05, Repealed.

29K-1.006 Removal From Office.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History--New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.06, Repealed.

29K-1.007 Officers, Term of Office and Duties.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History--New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.07, Repealed.

29K-1.008 Meetings.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 11-11-80, 9-5-82, Formerly 29K-1.08, Repealed.

29K-1.009 Finances.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 6-17-80, 11-11-80, Formerly 29K-1.09, Repealed.

29K-1.010 Powers.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163, 163.3184(3), 380.05, 380.06, 380.07, 23.012, 402.723 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.10, Repealed.

29K-1.011 Staff.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.11, Repealed.

29K-1.012 Committees.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 8-7-77, 11-11-80, Formerly 29K-1.12, Repealed.

29K-1.013 Plans, Studies, Activities, and Reports.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.13, Repealed.

29K-1.014 Procedure.

Specific Authority 120.53(1), 160.01(1), 163 FS. Law Implemented 120.53(1), 160.01(1), 163 FS. History–New 1-12-77, Amended 6-5-79, 11-11-80, 9-5-82, Formerly 29K-1.14, Repealed.

29K-1.015 Withdrawal and Dissolution.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 11-11-80, Formerly 29K-1.15, Repealed.

29K-1.016 Compensation and Expenses of Members.

Specific Authority 120.53(1), 160, 163 FS. Law Implemented 112.061, 120.53(1), 160, 163 FS. History–New 1-12-77, Amended 8-7-77, 11-11-80, Formerly 29K-1.16, Repealed.

29K-1.017 Amendments.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 9-5-82, Formerly 29K-1.17, Repealed.

29K-1.019 Information Request.

Specific Authority 120.53(1), 160.02(1), 163 FS. Law Implemented 120.53(1), 160.02(1), 163 FS. History–New 1-12-77, Amended 9-5-82, Formerly 29K-1.19, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Mr. Michael Busha, Executive Director

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Treasure Coast Regional Planning Council Governing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 18, 2006

DEPARTMENT OF CORRECTIONS

RULE NO.:

RULE TITLE:

33-210.201

ADA Provisions for Inmates

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

SUMMARY: Amends the rule to amend Form DC2-530, Reasonable Modification or Accommodation Request, to clarify that the form is not to be used to request medical devices, medical passes, or to request any type of medical care.

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

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

SPECIFIC AUTHORITY: 944.09 FS.

LAW IMPLEMENTED: 944.09 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Dorothy M. Ridgway, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-210.201 ADA Provisions for Inmates.

(1) through (2) No change.

(3) Accommodation Request Procedure.

(a) No change.

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

(c) through (g) No change.

(4) through (9) No change.

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

NAME OF PERSON ORIGINATING PROPOSED RULE: Martie F. Taylor, Government Operations Consultant III and ADA Coordinator

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Hieteenthia “Tina” Hayes, Acting Deputy Secretary

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 18, 2006

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Documenting Child Eligibility for the VPK Program
60BB-8.201	Child Registration Procedures; Application; Parent-Orientation Session
60BB-8.202	Child Eligibility Determination and Enrollment Procedures
60BB-8.204	Uniform Attendance Policy for Funding the VPK Program
60BB-8.300	Provider and Class Registration Procedures; Application; Eligibility Determination
60BB-8.301	Statewide Provider Agreement for the VPK Program
60BB-8.400	VPK Class Sizes; Blended Classes; Multi-Class Groups

PURPOSE AND EFFECT: To amend current rules to clarify procedures for early learning coalitions related to documenting child eligibility for the VPK Program; child registration procedures, application, parent orientation session for the VPK program; child eligibility determination and enrollment procedures; uniform attendance policy for funding the VPK program; provider and class registration procedures, application, eligibility determination; statewide provider agreement for the VPK Program; and VPK class sizes; blended classes; and multi-class groups.

SUMMARY: The proposed amendments are to clarify procedures relating to the VPK program, including documenting child eligibility for the VPK Program; child registration procedures, application, parent orientation session for the VPK program; child eligibility determination and enrollment procedures; uniform attendance policy for funding the VPK program; provider and class registration procedures, application, eligibility determination; statewide provider agreement for the VPK Program; and VPK class sizes; blended classes; and multi-class groups.

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

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

SPECIFIC AUTHORITY: 120, 1002.79 FS.

LAWS IMPLEMENTED: 1002.51, 1002.53, 1002.55, 1002.61, 1002.63, 1002.69, 1002.71, 1002.75, 1003.21(1)(a)2. FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.100 Definitions.

As used in this chapter, the term:

(1) “Absent” or “absence” means an each instructional day that a child does ~~student is not attend a VPK in attendance at the Voluntary Prekindergarten~~ program.

(2) “Admit” or “admission” means a private provider’s or public school’s consent to an early learning coalition enrolling an eligible child in the provider’s or school’s VPK program.

(3)(2) “Attend” or “attendance” means an each instructional day, either in whole or in part, that a child student is present at a VPK the Voluntary Prekindergarten program for all or part of that day’s instruction.

(4) “Child application” means Form AWI-VPK 01 (Child Application) incorporated by reference in Rule 60BB-8.900, F.A.C. The term includes the online application that may be obtained at the following website: <http://www.vpkflorida.org>.

(5) “Class application” means Form AWI-VPK 11 (Class Registration Application) incorporated by reference in Rule 60BB-8.900, F.A.C.

(6)(3) “Early learning coalition ~~Learning Coalition~~” or “coalition ~~Coalition~~” means an early learning coalition entity created under by Section 411.01(5), F.S., ~~whose membership is appointed pursuant to Section 411.01(5)(a)3., F.S., and whose function it is to coordinate the Voluntary Prekindergarten program with private providers and school districts at the local level.~~

(4) “Eligibility and enrollment services” means ~~registering children, conducting parent consultations, determining the eligibility of children, and enrolling children with providers or schools in the Voluntary Prekindergarten program.~~

(7)(5) “Enroll” or “enrollment” means recording an association in the statewide information system between a child who has been determined eligible for the VPK Voluntary Prekindergarten program and the VPK class assigned by the private provider or public school admitting chosen by the child in the program child’s parent or guardian.

(8) “Excused absence” means an instructional day from which a child is absent from a VPK program for a reason listed in paragraph 60BB-8.204(3)(b), F.A.C.

(9)(6) “Instructional day” means a each calendar day recorded that a private provider or public school is scheduled to instruct deliver instruction to a child’s VPK student’s Voluntary Prekindergarten class.

(10) “Parent” means a parent by blood, marriage, or adoption. The term includes a stepparent, foster parent, legal guardian or custodian, or other person standing in loco parentis.

(11) “Private provider” means a private prekindergarten provider as defined in Section 1002.51, F.S.

(12) “Program year” means the annual period beginning in one calendar year on the first day that a school-year program may begin instruction under subsection 60BB-8.451(1), F.A.C., and ending in the next calendar year on the last day by which a summer program must complete instruction under subsection 60BB-8.451(2), F.A.C. A program year is designated by the corresponding calendar years (e.g., 2006-2007, 2007-2008).

(13) “Provider application” means Form AWI-VPK 10 (Statewide Provider Registration Application) incorporated by reference in Rule 60BB-8.900, F.A.C.

(14)(7) “Qualified contractor” means an a legal entity performing the duties of operating under contract with an early learning coalition under contract with the coalition as described in Rule 60BB-8.901, F.A.C. or AWI which is authorized to perform eligibility and enrollment services on behalf of the coalition or AWI. If an early learning coalition contracts for eligibility and enrollment services, the coalition is ultimately responsible for ensuring that the contractor performs those services in accordance with the law.

(15)(8) “Register” or “registration” means recording a parent’s submission of a child application and supporting documentation to an early learning coalition or guardian’s request for his or her child to be determined eligible for to participate in the VPK Voluntary Prekindergarten program.

(16) “School-year program” means a school-year prekindergarten program delivered by a private provider under Section 1002.55, F.S., or by a public school under Section 1002.63, F.S.

(9) “Startup period” means the first 5 instructional days of a Voluntary Prekindergarten class.

(17) “Summer program” means a summer prekindergarten program delivered by a private provider or public school under Section 1002.61, F.S.

(18) “Unexcused absence” means an instructional day from which a child is absent from a VPK program and which is not an excused absence under paragraph 60BB-8.204(3)(b), F.A.C.

(19)(10) “Voluntary Prekindergarten” or “VPK program” means the Voluntary Prekindergarten Education Program program created under by Section 1002.53, F.S., and which is organized, designed, and delivered in accordance with Section 1(b) and (c), Article Art. IX of the State Constitution.

(20) “VPK class” means a private provider’s or public school’s prekindergarten class that includes a child in the VPK program.

(21) “VPK site” means the permanent physical location where a private provider or public school delivers instruction for the VPK program.

Specific Authority 1002.79 FS. Law Implemented 1002.51, 1002.53(2), (4), 1002.55(2), (3)(g), 1002.61(2)(a), (7)(a), 1002.63(2), (8)(a), 1002.71(2), (6)(d), 1002.75(2)(a), (c), (d) FS. History—New 1-19-06, Amended _____.

60BB-8.200 Documenting Child Eligibility for the VPK Program.

(1) Child Eligibility. An early learning coalition shall Early Learning Coalitions must determine the child eligibility of a child registering for the VPK program in accordance with Section 1002.53(2), F.S. A coalition shall document a child’s eligibility, as follows: by verifying the child’s age eligibility, residence eligibility, and participation eligibility.

(1)(a) Age eligibility Eligibility.

(a) A coalition shall document that a child is

1. All children who reside in Florida who have attained 4 years of age, but not 5 years of age or older, on or before September 1 of the program school year and in which the child wishes to enroll are eligible for VPK, including those children with a disability as defined by 20 U.S.C. § 1401(3)(a)(2005).

2. When a child becomes eligible for kindergarten or is admitted to kindergarten the child is no longer eligible for VPK. A child who is 5 years of age on or before September 1 is eligible for kindergarten and is not eligible for VPK. Likewise, a child who has not attained 4 years of age by September 1 of a school year is not eligible for VPK during the school year or summer program that immediately follows.

3. During the application process, a coalition or its contracting agency shall collect and keep retain in its records on the child child’s file a copy photocopy of at least one of the following types of supporting documentation which show the child’s name and date of birth documents for purposes of verifying age:

1.a. An original or certified copy of the child’s birth record filed according to law with a public officer charged with the duty of recording births;

~~2.b.~~ An original or certified copy of the child's certificate of baptism ~~showing the date of birth and place of baptism of the child,~~ accompanied by an affidavit sworn to or affirmed by the child's parent that the certificate is true and correct;

~~3.e.~~ An insurance policy on the child's life which is that has been in force for at least 2 years, which reflects the child's birth date;

~~4.d.~~ A religious record of the child's birth which is accompanied by an affidavit sworn to or affirmed by the child's parent that the record is true and correct;

~~5.e.~~ A passport or certificate of the child's arrival in the United States showing the birth date of the child;

~~f.~~ A transcript of record of age shown in the child's school record from at least 4 years prior to application, stating the date of birth;

~~6.g.~~ An immunization record indicating the child's date of birth, signed by a public health officer or by a licensed practicing physician; or

~~7.h.~~ A valid military dependent identification card, showing the child's date of birth; or

~~(b) If a child's parent is unable to submit a none of the type of supporting documentation documents listed in paragraph (a) above can be produced, the coalition shall document the child's age based on an affidavit of age sworn to or affirmed by the child's parent. The affidavit must be accompanied by a certificate of age reflecting the child's birth date, signed by a public health officer or by a licensed practicing physician which states that the officer or physician has examined the child and believes that the age shown as stated in the affidavit is true and substantially correct.~~

(2)(b) Residential Residence eligibility.

(a) A coalition shall document that a child resides.

~~1. All 4 year old children must reside in the State of Florida when Coalitions must only establish where the child attends the VPK program and shall keep in its records on the child lives, not test the legal residency of the child. Children who reside in Florida are qualified to receive services.~~

~~2. The following are acceptable documents to establish where a child resides and must contain the name of the parent or guardian of the child and the address of the parent or guardian as submitted on Form AWI VPK 01 (Parent Application). Post office boxes are not sufficient to determine residency. During the application process, the coalition shall collect and retain a copy of at least one of the following types of supporting documentation which show the name and residential address of a parent with whom the child resides documents for purposes of verifying residency:~~

- ~~1.a.~~ Utility bill;
- ~~2.b.~~ Bank statement;
- ~~3.e.~~ Insurance policy;
- ~~4.d.~~ Pay stub; or

~~5.e. Government-issued Government document (e.g., prior tax return, Florida driver's Driver's license, Florida identification card); or~~

(b) If a child's parent is a servicemember in the United States Armed Forces and is unable to submit a type of supporting documentation listed in paragraph (a), the coalition shall document the child's residency based on a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

~~(c) If a child's parent is unable to submit a none of the type of supporting documentation listed in paragraph (a) or paragraph (b) above documents can be produced, the coalition shall document the child's residency based on an affidavit of physical address sworn to or affirmed by the child's parent. The affidavit must be accompanied by a letter from a landlord or property owner which confirms stating that the child resides at the this address shown in the affidavit will be accepted.~~

~~(d) A coalition may not determine that a A homeless child, as defined in Section 1003.01, F.S., is not eligible for the VPK program because the child's parent is unable to submit a type of supporting documentation listed in paragraphs (a)-(c) must have access to the VPK program. A coalition Coalitions shall document a assist homeless child's children and may determine residency based on supporting other documentation showing that the child is homeless and resides in Florida (e.g., as necessary Coalitions may accept documents such as a letter from a homeless shelter or a sworn affidavit sworn to or affirmed by from the child's parent) certifying the child is currently homeless.~~

(e) Participation eligibility.

~~1. Coalitions are responsible for ensuring that a child receives services and funding for one full-time equivalent as established in Section 1002.71(4), F.S.~~

~~2. A parent may enroll the child in one of the programs as established in Section 1002.53(3), F.S.~~

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (3), (4)(b), 1002.69(4), ~~1002.71(2), (4)(a), 1002.75(2)(a), 1003.01, 1003.21(1)(a)2.~~ FS. History--New 1-19-06, Amended _____.

60BB-8.201 Child Registration Procedures; Parent Application; Parent-Orientation Session and Procedures.

(1) Child application Application. A parent registering wishing to enroll his or her child for in the VPK program Education Program must:

(a) Complete and sign Form fill-out form AWI-VPK 01 (Child Parent Application), version date 05/13/2005, which is hereby incorporated by reference in Rule 60BB-8.900, F.A.C.; or

(b) Complete an online application, print the online application, and sign the printed online application. An online This application may be obtained at the following website: <http://www.vpkflorida.org>. must be completed to determine

whether a child is eligible for the VPK Program. The application must be completed in full by a parent or guardian with whom the child lives.

(2) Submission of child application; supporting documentation Availability of forms and submission.

(a) A parent may also complete this application online at www.vpkflorida.org, or obtain a paper application from any early learning coalition. If a paper form is used, the parent must submit a complete and signed Form AWI-VPK 01 or printed online application mail or deliver the completed paper form to the early learning coalition of the county where the VPK site is located for the private provider or public school admitting in which the child in the VPK program, regardless of the county in which the child resides will receive services. A parent must submit a child application with the supporting documentation of the child's age and residential address which are required under Rule 60BB-8.200, F.A.C.

(b)1. If a parent registers his or her child for the VPK program in one county, a private provider or public school admits the child in another county, and the provider's or school's VPK site is located in a county outside of the geographic region of the coalition registering the child, the parent must re-register the child with the coalition of the county where the provider's or school's VPK site is located.

2. Re-registration is the responsibility of a child's parent. To assist a parent with re-registration, a coalition may enter into one or more agreements with other coalitions to provide for the transfer of a child application and supporting documentation to the appropriate coalition. If a coalition conducts a parent-orientation session for a child's parent but subsequently transfers the child's registration to another coalition, the parent is not required to repeat the parent-orientation session.

(c) A coalition shall designate various locations throughout the coalition's geographic region where a parent may submit a child application and supporting documentation. This may be the county where the parent lives, where the parent works, or a neighboring county. A parent may obtain contact information for a county's early learning coalition from may be obtained by calling the Office of Early Learning of the Agency for Workforce Innovation at (850)921-3180, TTY/Florida Relay 711, 1(866)357-3239 and is available on the internet at the following website: <http://www.vpkflorida.org>.

(3) Parent-orientation session. Documentation of Child's Residency and Date of Birth. Within 30 days after receiving an application, the early learning coalition will contact the parent with instructions on how to submit the documentation of the child's residency and date of birth in accordance with Rule 60BB 8.202, F.A.C.

(a) A coalition shall conduct a face-to-face parent-orientation session for a parent registering his or her child for the VPK program. During a parent-orientation session, a coalition shall describe substantially the following information:

1. An overview of the VPK program;

2. The parental rights and responsibilities listed in Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook) incorporated by reference in Rule 60BB-8.900, F.A.C.;

3. A parent's choice between a school-year program and summer program and the differences between the programs, including the required number of instructional hours, minimum and maximum class sizes, and instructor credentials; and

4. A parent's choices among private providers and public schools.

(b)1. During a parent-orientation session, a coalition shall inform the parent about the coalition's child care resource and referral program, the telephone number of the child care resource and referral program, and the availability of the child care resource and referral program to give the parent a customized referral list of private providers and public schools in the VPK program.

2. A coalition, if the coalition posts profiles of private providers and public schools in the VPK program on the coalition's website, shall inform a parent of the uniform resource locator for the coalition's website. A coalition shall also inform a parent that the profiles may be obtained at the following website: <http://www.myflorida.com/childcare/provider>.

3. A coalition shall keep current the profile of a private provider or public school in the coalition's geographic region through the VPK web portal of the Child Care Information System administered by the Department of Children and Family Services at the following website: <http://199.250.30.131/VPK/Administration/>.

(c)1. A coalition is not required to conduct a parent-orientation session for a child's parent if the coalition:

a. Conducts a face-to-face parent-orientation session with the child's parent for another early learning program (e.g., school readiness program, program for prekindergarten children with disabilities, Head Start);

b. Maintains the child's records of the other early learning program for which the coalition conducts the parent-orientation session; and

c. Verifies that the child's date of birth in the records of the other early learning program is the same as the child's date of birth listed in the child application and supporting documentation that the parent submits.

2. A coalition is not required to conduct a parent-orientation session for a child's parent if the parent is a servicemember in the United States Armed Forces, the parent is unable to attend a parent-orientation session because the

parent is assigned to duty outside of Florida, and the parent submits to the coalition a military order showing that the parent is assigned to duty in Florida when the child attends the VPK program (e.g., permanent change of station).

(d) A coalition shall give a parent a copy of Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), and Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), incorporated by reference in Rule 60BB-8.900, F.A.C. If a coalition conducts a parent-orientation session, the coalition shall give Form AWI-VPK 06, Form AWI-RR 63, and Form AWI-VPK 64 to the parent during the parent-orientation session. If, under paragraph (c) or paragraph (d), a coalition does not conduct a parent-orientation session, the coalition shall provide Form AWI-VPK 06, Form AWI-RR 63, and Form AWI-RR 64 to the parent by mail or other means.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), (5), 1002.75(2)(a), (b) FS. History—New 1-19-06, Amended _____.

~~60BB-8.202 Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment Procedures.~~

~~(1) Early learning coalitions shall follow the following procedures for registration, eligibility determination, and enrollment of children in the VPK program:~~

~~(a) Registration. A parent or guardian registering his or her child for the VPK program must either register online at www.vpkflorida.org or complete Form AWI-VPK 01 (Parent Application) and submit the completed form to the early learning coalition or its qualified contractor.~~

~~(1)(b) Eligibility determination.~~

~~(a) An early learning coalition or its qualified contractor shall determine, in accordance with Rule 60BB-8.200, F.A.C., shall determine the eligibility of a each child registering for the VPK program under Rule 60BB-8.201, F.A.C., or Rule 60BB-8.2015, F.A.C.~~

~~(b) If Rule 60BB-8.201, F.A.C., requires a coalition to conduct a parent-orientation session for a child's parent consultation is required under subparagraph (b)2. below, the coalition shall determine the child's eligibility determination shall be performed during the parent-orientation session consultation. The parent or guardian must submit to the coalition or its qualified contractor the documentation of the child's age and residence required by Rule 60BB-8.200, F.A.C.~~

~~(c)1. A coalition, upon Upon determining that a child is eligible for the VPK program, shall issue the coalition or its qualified contractor must give the child's parent or guardian a Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate of Eligibility) incorporated by reference in Rule 60BB-8.900, F.A.C.~~

~~2. A coalition may issue a certificate of eligibility which is substantially similar to Form AWI-VPK 02 if the certificate:~~

~~a. Includes the phrases "State of Florida" and "Voluntary Prekindergarten Education Program;"~~

~~b. Includes the name of the early learning coalition issuing the certificate, or on whose behalf the certificate is issued;~~

~~c. Identifies the program year and type of program (i.e., school-year or summer program) for which the certificate is issued;~~

~~d. Clearly shows the eligible child's name and identifying information; and~~

~~e. Does not include the logo of the Agency for Workforce Innovation, logo of the Office of Early Learning, or AWI form number (i.e., Form AWI-VPK 02) version date 05/16/2005, which is hereby incorporated by reference, either completed by the coalition or its qualified contractor as a paper form or as an electronically generated and printed form.~~

~~2. Parent consultation:~~

~~a. Except as provided in sub-subparagraph (b)2.b. below, staff of the early learning coalition or its qualified contractor must perform a face to face consultation in person with the parent or guardian of every child that registers for the VPK program. During the consultation, the coalition's or contractor's staff shall determine the child's eligibility for the VPK program. If the child is eligible, the coalition's or contractor's staff shall give the parent or guardian profiles of providers or schools in accordance with Section 1002.53(5), F.S., describe the available program options, and explain the parent's or guardian's rights and responsibilities.~~

~~b. Notwithstanding sub-subparagraph (b)2.a. above, an early learning coalition is not required to perform a face to face parent consultation for a child if the coalition's staff or its qualified contractor's staff previously conducted a face to face consultation with the child's parent or guardian for another early learning program (e.g., school readiness program or program for prekindergarten children with disabilities), the coalition or its contractor maintains the child's records for the other early learning program, and the coalition or its contractor verifies against those records the completed Form AWI-VPK 01 (Parent Application) and supporting documentation submitted by the parent or guardian.~~

~~(2)(e) Enrollment.~~

~~(a) A private provider or public school may not enroll a child in the VPK program before the coalition determines that the child is eligible for the program. To enroll an eligible child complete a child's enrollment, the private prekindergarten provider or public school admitting the child must submit to the coalition the child's name and identifying information shown on the child's certificate of eligibility and the VPK class to which the provider or school assigns the child number (from Form AWI-VPK 02 Certificate of Eligibility) to the coalition or its qualified contractor, associating the child.~~

(b) A coalition may not prohibit a private provider or public school from enrolling a child because the child resides in a Florida county other than the county where the provider's or school's VPK site is located.

(c) A private provider or public school may only enroll a child with the coalition of the county where the provider's or school's VPK site is located, regardless of the county in which the child resides.

(d) A coalition shall complete a child's enrollment by recording an association in the designated statewide information system between the child and with the provider's or school's appropriate VPK class to which the private provider or public school assigns the child. A Each early learning coalition is encouraged, but not required, to notify a parent or guardian by U.S. mail after his or her child's the enrollment of his or her child with the provider's or school class is complete completed in the designated statewide information system.

Specific Authority 1002.79 FS. Law Implemented 1002.53(2)(4)(a), 1002.75(2)(a) FS. History--New 1-19-06, Amended _____.

60BB-8.204 Uniform Attendance Policy for Funding the VPK Program.

(1) Payment for the VPK program. An early learning coalition, or contractor acting on behalf of the coalition, shall pay a private provider or public school for the VPK program in accordance with this rule.

(2) No change.

(3) Payment for absences.

(a) through (b) No change.

(c) An excused absence is not payable unless the reason for the absence is documented in writing and submitted to the private provider or public school. A private provider or public school must keep the documentation for at least 2 years, allow the Agency for Workforce Innovation or the coalition to inspect the documentation during normal hours of operation, and, upon request of the coalition, submit a copy of submits the documentation to the coalition or contractor.

1. A child's parent may document (e.g., parent's note) seven or fewer excused absences per calendar month.

2. Beyond seven excused absences, a person other than the child's parent must document the excused absence, the person must be unrelated to the child or the child's parent, and the documentation must show that the person has personal knowledge of the reason for the child's absence (e.g., letter from a physician).

(d) through (e) No change.

(4) Payment for temporary closures.

(a) A temporary closure is payable if a private provider or public school submits written documentation to the coalition or contractor which demonstrates that the closure is temporary and caused by circumstances beyond the provider's or school's control.

(b) through (e) No change.

(f) A temporary closure is not payable if a private provider or public school does not reopen and resume instruction after the closure. A coalition or contractor shall assist a child with reenrollment if the child's VPK program does not resume instruction after a temporary closure.

(g) through (h) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(6)(d) FS. History--New 8-17-06, Amended _____.

60BB-8.300 Provider and Class Registration Procedures; Application; Eligibility Determination and Procedures.

(1) Provider application; supporting documentation Application.

(a) A private provider or public school registering for interested in delivering the VPK program Program must complete and sign an application Form AWI-VPK 10 (Statewide Provider Registration Application), version date 04/29/2005, which is hereby incorporated by reference in Rule 60BB-8.900, F.A.C. ~~Completing the application does not guarantee approval to deliver the VPK program.~~

(2) ~~Completing the application form. This application is available electronically as an editable form in Adobe® Portable Document Format (PDF) at www.vpkflorida.org. The form is also available from any early learning coalition as a paper form. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. An application may be completed by:~~

(a) ~~Using Adobe® Reader® to edit the form fields on a computer and printing a paper copy for submission; or~~

(b) ~~Using a blank paper form and completing it by typing or printing clearly in black or blue ink.~~

(b)(3) Submitting the application. A private The provider or public school must submit a complete and signed Form AWI-VPK 10 shall mail or deliver the completed application to the early learning coalition of in the county where the provider's or school's in which its VPK site is located. If a private provider or public school has more than one VPK site, the provider or school must submit a separate Form AWI-VPK 10 for each site. Contact information for a county's early learning coalition may be obtained by calling the Office of Early Learning at 1(866)357-3239 and is available on the internet at www.vpkflorida.org. A private provider or public school must submit Form AWI-VPK 10 This form must be submitted with the supporting documentation as required in the instructions accompanying the form attachments.

(c) A coalition may not pay a private provider or public school for the VPK program unless the coalition has in its records on the provider or school a current, complete, and signed Form AWI-VPK 10 for the provider or school.

(d) If a private provider or public school submits information on Form AWI-VPK 10 which changes, the provider or school must submit an updated Form AWI-VPK 10 to the coalition within 10 calendar days after the change. After a coalition determines that a private provider or public school is eligible for the VPK program, the provider or school is not required to resubmit Form AWI-VPK 10 for a subsequent program year unless the information submitted on the prior year's application changes.

~~(4) Notification of application completion. The early learning coalition in the county in which the provider is located will notify the provider if the provider or school is provisionally eligible to deliver VPK, or if any additional information is necessary, within 30 days after receipt of the application.~~

(2) Class registration application; supporting documentation.

(a) A private Each provisionally eligible provider or public school must annually also complete and sign Form AWI-VPK 11 (2005-2006 Class Registration Application) version date 04/29/2005, which is hereby incorporated by reference in Rule 60BB-8.900, F.A.C. Once the provider has submitted all of the required information, the early learning coalition will notify it in writing whether the provider or school is eligible to deliver the VPK program.

(b) A private provider or public school must submit a complete and signed Form AWI-VPK 11 to the coalition. If a private provider or public school has more than one VPK class, the provider or school must submit a separate Form AWI-VPK 11 for each class. A private provider or public school must submit Form AWI-VPK 11 with the supporting documentation required in the instructions accompanying the form.

(c) A coalition may not pay a private provider or public school for a child enrolled in a VPK class unless the coalition has in its records on the provider or school a current, complete, and signed Form AWI-VPK 11 for the class.

(d) If a private provider or public school submits information on Form AWI-VPK 11 which changes, the provider or school must submit an updated class application to the coalition within 10 calendar days after the change.

(3) Eligibility determination. A coalition, in accordance with Sections 1002.55, 1002.61, and 1002.63, F.S., shall determine the eligibility of a private provider or public school registering for the VPK program.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3), (4), 1002.61(3), (7)(a), 1002.63(3), (4), (8)(a), 1002.75(2)(c), (d) FS. History--New 1-19-06, Amended _____.

60BB-8.301 Statewide Provider Agreement for the VPK Program.

(1)(a) An early learning coalition, ~~or contractor acting on behalf of the coalition,~~ may not pay a private provider or public school for the VPK program, except under a provider

agreement with the coalition. A coalition must be a party to a provider agreement. If a coalition allows a qualified contractor to sign a provider agreement on behalf of the coalition, the coalition remains a party to the agreement. A school district may sign a provider agreement on behalf of a public school in the district.

(b) A coalition ~~or contractor~~ shall keep a signed copy of a provider agreement in the coalition's ~~or contractor's~~ records on the private provider or public school.

(2)(a) A provider agreement shall contain identical terms and conditions as Form AWI-VPK 20 (Statewide Provider Agreement), ~~dated June 9, 2006, which is hereby~~ incorporated by reference in Rule 60BB-8.900, F.A.C. Except as provided in paragraph (b), a provider agreement may not omit, supplement, or amend the terms and conditions of Form AWI-VPK 20. ~~Form AWI-VPK 20 may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399 4128, (850)921-3180, and at the following website: http://www.floridajobs.org/earlylearning.~~

(b) A coalition may enter into a provider agreement that omits, supplements, or amends the terms and conditions of Form AWI-VPK 20, if:

1. The coalition submits the agreement to the Office of Early Learning of the Agency for Workforce Innovation in writing, dated, and signed by the coalition and the private provider or public school; and

2. The Deputy Director for Early Learning approves the agreement.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.75 FS. History--New 8-17-06, Amended _____.

60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

(1) No change.

(2) Minimum class size. A VPK class must be composed of at least four children enrolled in the VPK program.

(a) An early learning coalition, ~~or contractor acting on behalf of the coalition,~~ may not issue the initial prepayment for a VPK class unless at least four children in the class are enrolled in the VPK program.

(b) No change.

(c) If a VPK class is composed of four or fewer children enrolled in the VPK program, the private provider or public school may not dismiss from the class a child enrolled in the program, unless:

1. The private provider or public school documents in writing the child's noncompliance with the conduct or attendance policies of the provider or school district, as applicable; and

2. The private provider or public school submits documentation of the child's noncompliance to the coalition ~~or contractor~~ within 3 business days after the child's dismissal.

(3) No change.

Specific Authority 1002.79(2) FS. Law Implemented 1002.55(3)(e), 1002.61(6), 1002.63(7) FS. History--New 8-17-06, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary J. Holland, General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 2399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.2015	VPK Child Registration Pilot Project
60BB-8.305	Documenting and Certifying Child Attendance in the VPK Program
60BB-8.451	VPK Class Schedules
60BB-8.900	VPK Forms
60BB-8.901	Qualified Contractors

PURPOSE AND EFFECT: To adopt rules to establish procedures for early learning coalitions related to the VPK child registration pilot project, documenting and certifying child Attendance in the VPK program, VPK class schedules, VPK forms, and qualified contractors.

SUMMARY: The proposed rules seek to establish procedures for early learning coalitions related to the VPK Program such as the VPK child registration pilot project, documenting and certifying child Attendance in the VPK program, VPK class schedules, VPK forms, and qualified contractors.

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

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

SPECIFIC AUTHORITY: Chapter 120, 1002.79 FS.

LAWS IMPLEMENTED: 411.01, 1002.53, 1002.55, 1002.61, 1002.63, 1002.71, 1002.75 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

THE FULL TEXT OF THE PROPOSED RULES IS:

60BB-8.2015 VPK Child Registration Pilot Project.

(1) Pilot project. There is created a VPK child registration pilot project for the 2006-2007 and 2007-2008 program years in Baker, Bradford, Clay, Collier, Gadsden, Glades, Hendry, Jefferson, Lee, Leon, Liberty, Madison, Marion, Nassau, Okaloosa, Orange, Wakulla, Walton, St. Lucie, and Taylor counties.

(2) Initial eligibility. A private provider must meet the following requirements for initial eligibility to participate in the pilot project:

(a) The private provider must apply to participate in the pilot project on forms adopted by the early learning coalition. The forms must be submitted to the coalition and include the name of the private provider, the address and telephone number of the provider's VPK site, the name of the provider's prekindergarten director or designee, the date that the director or designee attends the training session required under paragraph (c), and other information demonstrating that the provider is eligible under this rule to participate in the pilot project.

(b)1. To be eligible for the pilot project for the 2006-2007 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 program year.

2. To be eligible for the pilot project for the 2007-2008 program year, the private provider must deliver instruction for the VPK program in the 2005-2006 and 2006-2007 program years.

(c) The private provider's prekindergarten director or designee must attend a training session conducted by the coalition which instructs the provider on procedures for registering a child for the VPK program, accepting a child application and supporting documentation on behalf of the coalition, and conducting a parent-orientation session.

(3) Continuing eligibility. A private provider must also meet the following requirements for initial eligibility and continue to meet the requirements to participate in the pilot project:

(a) The private provider must comply with this rule.

(b) The private provider's VPK site must be located in one of the pilot counties listed in subsection (1).

(c) The private provider, while participating in the pilot project, must annually sign and submit to the coalition Form AWI-VPK 21 (Addendum to Statewide Provider Agreement) incorporated by reference in Rule 60BB-8.900, F.A.C.

(d) The private provider must record daily child attendance using a paper sign-in or sign-out log or electronic attendance-tracking system described in paragraph 60BB-8.305(2)(a), F.A.C.

(e) The private provider must submit accurate and timely monthly attendance rosters for the VPK program in accordance with subsection 60BB-8.305(3), F.A.C., and, if the provider is a school readiness provider, for the school readiness program. A private provider is not eligible for the pilot project if the coalition determines that, during the previous 24 months, the provider:

1. Submits two or more consecutive, or a combined total of four or more, monthly attendance rosters for payment 10 or more calendar days after the required submission date;

2. Submits two or more consecutive, or a combined total of four or more, monthly attendance rosters for payment which contain inaccurate reporting of a child's attendance;

3. Fails to repay an overpayment to the coalition by the required repayment date after the coalition discovers the overpayment and requests repayment from the private provider;

4. Submits a monthly attendance roster for payment which results in an overpayment that exceeds 20 percent of the payment for a calendar month due to the provider's inaccurate reporting of a child's attendance; or

5. Submits a monthly attendance roster for payment which contains fraudulent or other intentional misreporting of a child's attendance.

(f) If a private provider is licensed by the Department of Children and Family Services or local licensing agency under Sections 402.301-402.319, F.S., the provider is not eligible for the pilot project if the provider's license status, as recorded in the department's Child Care Information System, is "Revocation Action Pending," "Suspension Action Pending/Suspended," or "Closed."

(4) Child registration procedures. A coalition shall allow a private provider eligible for the pilot project, on behalf of the coalition, to register a child for the VPK program. A private provider may only register a child under this rule who the provider admits in one of the provider's VPK classes. A private provider registering a child under this rule must comply with the following registration procedures:

(a) Notwithstanding subsection 60BB-8.201(1), F.A.C., a parent registering his or her child for the VPK program under this rule must complete, sign, and submit to the private provider Form AWI-VPK 01P (Child Application and Provider Admission) incorporated by reference in Rule 60BB-8.900, F.A.C., instead of Form AWI-VPK 01 or the online child application. A parent must submit Form AWI-VPK 01P to the private provider with the supporting documentation of the child's age and residential address required under Rule 60BB-8.200, F.A.C.

(b) Notwithstanding paragraph 60BB-8.201(3)(a), F.A.C., instead of the coalition conducting a face-to-face parent-orientation session, a private provider participating in the pilot project shall conduct the parent-orientation session on behalf of the coalition for a parent registering his or her child for the VPK program under paragraph (a). A private provider must conduct a parent-orientation session in accordance with the procedures in subsection 60BB-8.201(3), F.A.C.

(c) A private provider shall review a child's Form AWI-VPK 01P and supporting documentation and, within 5 working days after a child's parent registers the child, shall submit to the coalition or return to the parent, the child's Form AWI-VPK 01P and supporting documentation, as follows:

1. The private provider shall submit a child's Form AWI-VPK 01P and supporting documentation to the coalition if the provider's review confirms that the child's Form AWI-VPK 01P is complete, signed, and submitted with the required supporting documentation; the provider predetermines that the child appears to be eligible for the VPK program; and the provider admits the child in one of the provider's VPK classes.

2. The private provider shall return a child's Form AWI-VPK 01P and supporting documentation to the child's parent for correction and resubmission to the provider if the provider's review finds that the child's Form AWI-VPK 01P is not complete, not signed, or not submitted with the required supporting documentation.

3. If the private provider predetermines that a child does not appear to be eligible, the provider shall return the child's Form AWI-VPK 01P and supporting documentation to the child's parent and, on the blank spaces included on Form AWI-VPK 01P, notify the parent of the reasons that the child does not appear to be eligible and that the provider's predetermination is not the coalition's official determination of the child's eligibility.

(d) A coalition shall, in accordance with Rule 60BB-8.202, F.A.C., determine the eligibility of a child registering for the VPK program under this rule. Notwithstanding paragraph 60BB-8.202(1)(c), F.A.C., a coalition is not required to issue a certificate of eligibility for a child registering under this rule.

(e) If a coalition determines that a child is not eligible for the VPK program, the coalition shall inform the private provider and the child's parent in writing that the child is not eligible and return the child's Form AWI-VPK 01P and supporting documentation to the parent.

(5) Payment for pilot project prohibited. In accordance with subsection 60BB-8.901(3), F.A.C., a coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a private provider for participating in the pilot project, registering a child for the VPK program under this

rule, accepting a child application or supporting documentation on behalf of the coalition, or conducting a parent-orientation session.

(6) School district or public school. Notwithstanding Rules 60BB-8.201 and 60BB-8.202, F.A.C., a school district or public school, if allowed under a contract with the coalition, may use the child registration procedures in subsection (4) to register a child for the district's or school's VPK program, regardless of whether the district or school is located in one of the pilot counties listed in subsection (1) or meets the eligibility requirements listed in subsections (2) and (3).

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(2), (4), (5), 1002.75(2)(a), (b) FS. History--New _____.

60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program.

(1) Daily documentation of child attendance.

(a) A private provider or public school in the VPK program shall keep documentation, recorded daily, of the attendance of a child enrolled in the program with the provider or school.

(b) If a private provider or public school in the VPK program is also a school readiness provider, the provider or school may jointly document a child's daily attendance for the VPK program with the child's attendance for the school readiness program which is documented in accordance with Rule 60BB-4.502, F.A.C.

(2) Monthly verification of child attendance. A private provider or public school in the VPK program shall require the parent of a child enrolled in the program with the provider or school to verify monthly the child's attendance for the prior month, as follows:

(a) A child's parent must verify the child's attendance on Form AWI-VPK 03S (Child Attendance and Parental Choice Certificate Short Form) incorporated by reference in Rule 60BB-8.900, F.A.C., if the private provider or public school records the child's daily attendance using one of the following methods:

1. A paper sign-in or sign-out log that records the date, child's name, and signature of the parent or other person dropping off or picking up the child to, or from, the VPK site; or

2. An electronic attendance-tracking system that records the date, child's name, and electronic signature, card swipe, entry of a personal identification number, or similar daily action taken by the parent or other person dropping off or picking up the child to, or from, the VPK site.

(b) A child's parent must verify the child's monthly attendance on Form AWI-VPK 03L (Child Attendance and Parental Choice Certificate Long Form) incorporated by reference in Rule 60BB-8.900, F.A.C., if the private provider or public school records the child's daily attendance using a method (e.g., instructor records daily attendance using a roll

book) other than the methods described in paragraph (a). Before a parent signs Form AWI-VPK 03L, the private provider or public school must record the child's monthly attendance on the form or attach documentation to the form which shows the child's monthly attendance.

(3) Monthly certification of child attendance for payment.

(a) An early learning coalition shall give a private provider or public school a monthly roster that lists each child enrolled in the provider's or school's VPK program. A coalition shall prepare a monthly roster using the statewide information system. A monthly roster shall include blank spaces for a private provider or public school to certify a child's attendance for the calendar month.

(b) A private provider or public school must certify the monthly attendance of a child enrolled in the provider's or school's VPK program. Before a coalition may pay a private provider or public school for a month, the provider or school must certify the attendance of each enrolled child from the most recently complete calendar month by completing a monthly roster and submitting the completed roster to the coalition.

(c) If a child arrives at a private provider's or public school's VPK site but the provider or school refuses the child's attendance for disciplinary or other reasons (e.g., due to tardiness or prohibited attire), the provider or school must record the instructional day as an absence.

Specific Authority 1002.79(2) FS. Law Implemented 1002.71(5)(b), (6)(b), (d), 1002.75(2)(f), (g), (h) FS. History--New _____.

60BB-8.451 VPK Class Schedules.

An early learning coalition may not pay a private provider or public school for a VPK class unless the class schedule complies with the following:

(1) School-year program.

(a) Except as provided in paragraph (b), a school-year program may not begin instruction before August 1.

(b) If the uniform date fixed by a district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs occurs in a county before August 1, a school-year program in the county may not begin instruction before the uniform date.

(c) A school-year program must complete instruction by June 30.

(2) Summer program. A summer program may not begin instruction before May 1 and must complete instruction before the uniform date fixed by the district school board under Section 1001.42(4)(f), F.S., for the opening of public schools for regular school programs in the county.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(1), (3), 1002.55(2), 1002.61(2), 1002.63(2), 1002.75(2)(c), (d) FS. History--New _____.

60BB-8.900 VPK Forms.

(1) The forms incorporated by reference in this rule may be obtained from the Office of Early Learning of the Agency for Workforce Innovation at the following address: Caldwell Building, 107 East Madison Street, MSC 140, Tallahassee, Florida 32399-4128, (850)921-3180, TTY/Florida Relay 711, and at the following website: <http://www.floridajobs.org/earlylearning>.

(2) The following forms are hereby incorporated by reference:

(a) Form AWI-VPK 01 (Child Application) with instructions, dated January 17, 2006.

(b) Form AWI-VPK 01P (Child Application and Provider Admission) with instructions, dated September 13, 2006.

(c) Form AWI-VPK 02 (Child Eligibility and Enrollment Certificate), dated September 13, 2006.

(d) Form AWI-VPK 03L (Student Attendance and Parental Choice Certificate Long Form), dated September 21, 2005.

(e) Form AWI-VPK 03S (Student Attendance and Parental Choice Certificate Short Form), dated September 21, 2005.

(f) Form AWI-VPK 06 (Voluntary Prekindergarten Parent Handbook), dated August 15, 2006.

(g) Form AWI-VPK 10 (Statewide Provider Registration Application) with instructions, dated January 17, 2006.

(h) Form AWI-VPK 11 (Class Registration Application) with instructions, dated January 17, 2006.

(i) Form AWI-VPK 20 (Statewide Provider Agreement), dated June 9, 2006.

(j) Form AWI-VPK 21 (Addendum to Statewide Provider Agreement), dated September 13, 2006.

(k) Form AWI-RR 63 (A Family Guide for Selecting Quality Early Learning Programs), dated June 30, 2006.

(l) Form AWI-RR 64 (A Quality Checklist for Evaluating Early Learning Programs), dated June 30, 2006.

Specific Authority 1002.79(2) FS. Law Implemented 1002.53(4), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(a), (b), 1002.75(2) FS. History—New _____.

60BB-8.901 Qualified Contractors.

(1) An early learning coalition may contract with a qualified entity to perform the coalition’s duties under this chapter. A coalition is ultimately responsible for its duties when they are performed by a qualified contractor.

(2)(a) A coalition may not contract, and a qualified contractor may not subcontract, with a private entity that derives more than 5 percent of its income from providing child care as defined in Section 402.302, F.S., for the performance of the following duties:

1. Registering a child for the VPK program, accepting a child application or supporting documentation on behalf of a coalition, or conducting a parent-orientation session, except as provided in Rule 60BB-8.2015, F.A.C., for the VPK child registration pilot project;

2. Determining the eligibility of a child for the VPK program, issuing a certificate of eligibility for a child, or enrolling a child in the statewide information system; or

3. Accepting a provider application, class application, or supporting documentation on behalf of a coalition, or determining the eligibility of a private provider or public school for the VPK program.

(b) This subsection does not apply to a contract between a coalition and a school district or public school.

(3) A coalition, qualified contractor, or subcontractor may not pay or otherwise compensate a public or private entity for registering a child for the VPK program, accepting a child application or supporting documentation from the child’s parent on behalf of the coalition, or conducting a parent-orientation session for the child’s parent, if the child is registering for the entity’s VPK program.

Specific Authority 411.01(4)(e), 1002.79(2) FS. Law Implemented 411.01(5)(d)4.g., 10., 1002.53(4), (5), 1002.55(3)(g), 1002.61(7)(a), 1002.63(8)(a), 1002.71(5)(b), (6)(b), (d), 1002.75(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Kelley Cramer, Senior Attorney, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Gary J. Holland, General Counsel, 107 East Madison Street, MSC 110, Tallahassee, Florida 32399-4128, (850)245-7150

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 13, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 25, 2005

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 NOS.:	RULE TITLES:
62-210.100	Purpose and Scope
62-210.200	Definitions
62-210.300	Permits Required
62-210.310	Air General Permits
62-210.920	Registration Forms for Air General Permits

PURPOSE AND EFFECT: The proposed rule amendments clarify differences between individually issued air permits (authorizations by permit) and air general permits (authorizations by rule); provide that all air general permits authorize both construction and operation; place “conditional” exemptions from air permitting together and simplify language; add a new conditional exemption for small printing operations; clarify that categorical, conditional and generic exemptions cannot be used for exemption from Title V permitting; move all non-Title V air general permits to a new rule section and simplify rule language; distinguish between general permit eligibility criteria and compliance requirements; add a new air general permit for printing operations; eliminate public notice requirements for concrete batching plant air general permits; allow concrete batching plants and crushers using separate air general permits to co-locate; and revise air general permit registration forms to clarify eligibility requirements.

SUMMARY: The proposed rule amendments revise and update regulatory requirements for air permitting exemptions and for use of air general permits.

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, 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.814 FS.

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

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

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 100 South Magnolia Drive, Suite 23, Directors Conference Room, 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: Ms. Lynn Scarce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or lynn.scarce@dep.state.fl.us, phone (850)921-9551. 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: Terri Long, terri.long@dep.state.fl.us, phone (850)921-9556

THE FULL TEXT OF THE PROPOSED RULES IS:

62-210.100 Purpose and Scope.

The Department of Environmental Protection adopts this chapter to establish general requirements for stationary sources of air pollutant emissions and definitions for use in this chapter as well as Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C. This chapter provides criteria for determining the need for an owner or operator to obtain Department authorization, by individual air permit or by air general permit, to conduct certain activities involving sources of air pollutant emissions to obtain an air construction or air operation permit. It provides procedures to apply for an air construction or non-Title V air operation permit, or to register for use of an air general permit. It establishes public notice requirements, reporting requirements, and requirements relating to estimating ~~emissions~~ emission rates and using air quality models. This chapter also sets forth special provisions related to compliance monitoring, stack heights, circumvention of pollution control equipment, and excess emissions.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History--New 2-9-93, Formerly 17-210.100, Amended 11-23-94, _____.

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (18) No change.

(19) “Air General Permit” – An authorization by rule to construct or operate an air pollutant emitting facility. Use of such authorization by any individual facility does not require agency action.

(19) through (26) renumbered (20) through (27) No change.

(28)(27) “Animal Crematory” – Any combustion apparatus used solely for the cremation of animal remains ~~dead animals with appropriate containers as described in subsection 62-296.401(6), F.A.C.~~

(29)(28) “Applicable Requirement” –

(a) For purposes of the permitting requirements of Chapter 62-213, F.A.C., all of the following as they apply to a Title V source or any emissions unit at such source:

1. through 5. No change.

6. Any standard or other requirement under ~~of~~ 42 U.S.C. Section 7411 or 7412;

7. If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by ~~of~~ a local air pollution control ~~regulatory~~ program having geographical jurisdiction over the emission unit, unless

such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act:

8. through 12. No change.

(b) For purposes of the permitting and exemption requirements of Chapters 62-210 and 62-212, F.A.C., all of the following as they apply ~~applied~~ to any facility or to any emissions unit within such facility:

1. Any standard or other requirement provided for in the State Implementation Plan term or condition of any Department air permit;

2. Any term or condition of any preconstruction permit issued pursuant to 40 C.F.R. 52.21; subparagraph 62-204.800(11)(d)2., F.A.C.; (formerly 62-204.800(10)(d)2.); Rule 62-212.300, F.A.C. (formerly 17-212.300, formerly 17-2.520); Rule 62-212.400, F.A.C. (formerly 17-212.400, formerly 17-2.500); Rule 62-212.500, F.A.C. (formerly 17-212.500, formerly 17-2.510); Rule 62-212.720, F.A.C.; Rule 17-2.17, F.A.C. (repealed); or Rule 62-4.210, F.A.C. (formerly 17-4.210, formerly 17-4.21); and

3. Any term or condition of any air operation permit;

~~4.3.~~ No change.

5. Any standard or other requirement under 42 U.S.C. Section 7411 or 7412; and

6. If incorporated into the Specific Operating Agreement with the Department, any standard or other requirement adopted by a local air pollution control program having geographical jurisdiction over the emission unit, unless such standard or requirement conflicts with the provisions of the Federal Acid Rain Program or the Florida Electrical Power Plant Siting Act.

(29) through (40) renumbered (30) through (41) No change.

~~(42)(41)~~ “Biological Waste Incinerator Incineration Facility” – Any incinerator One (1) or more incinerators located on one (1) or more contiguous or adjacent properties which is/are operated or utilized for the disposal or treatment of biological waste and is/are owned or operated by the same person or by persons under common control. The term does not include any air curtain incinerator used or authorized by the Department of Agriculture and ~~or~~ Consumer Services for the emergency destruction of animal carcasses.

(42) through (109) renumbered (43) through (110) No change.

(111) “Digital Printing” – The transfer of electronic files directly from the computer to an electronically driven output device that prints the image directly on the selected media (substrate).

(110) through (115) renumbered (112) through (117) No change.

(118) “Electron Beam-Cured” – An ink and coating drying process by which monomers, oligomers, and other components polymerize to form a film when exposed to an electron beam radiation.

(116) through (139) renumbered (119) through (142) No change.

(143) “Fountain Solution” – A mixture of water and other volatile and non-volatile chemicals and additives that maintains the quality of the printing plate and reduces the surface tension of the water so that it spreads easily across the printing plate surface. The fountain solution wets the non-image area so that the ink is maintained within the image areas. Non-volatile additives include mineral salts and hydrophilic gums.

(144) “Fountain Solution Additives” – Wetting additives that include alcohol and alcohol substitutes, including isopropyl alcohol, glycol ethers and ethylene glycol, which are used to reduce the surface tension of the fountain solution.

(140) through (149) renumbered (145) through (154) No change.

(155) “Heatset” – A lithographic web printing process where heat is used to evaporate ink oils from the printing ink. Heatset dryers (typically hot air) are used to deliver the heat to the printed web.

(150) through (155) renumbered (156) through (161) No change.

~~(162)(156)~~ “Human Crematory” – Any combustion apparatus used solely for the cremation of either human or fetal remains dead human bodies with appropriate containers as described in subsection 62-296.401(5), F.A.C.

(157) through (173) renumbered (163) through (179) No change.

(180) “Letterpress Printing” – A printing system in which the image area is raised relative to the non-image area and the ink is transferred to the substrate directly from the image surface.

(174) through (176) renumbered (181) through (183) No change.

(184) “Lithographic Printing” – A planographic printing system where the image and non-image areas are chemically differentiated. The image area is oil receptive and non-image area is water receptive. Ink film from the lithographic plate is transferred to an intermediary surface (blanket), which, in turn, transfers the ink film to the substrate. Fountain solution is applied to maintain the hydrophilic properties of the non-image area. Ink drying is divided into heatset and non-heatset.

(177) through (181) renumbered (185) through (189) No change.

~~(190)(182)~~ “Major Modification” –

(a) through (c) No change.

(d) This definition shall not apply with respect to a particular PSD regulated air pollutant when the major stationary source is complying with the requirements under Rule 62-212.720, F.A.C., for a PAL for that pollutant. Instead, the definition at 40 CFR 52.21(aa)(2)(viii), adopted by reference in Rule 62-204.800, F.A.C., shall apply.

(183) through (199) renumbered (191) through (207) No change.

~~(208)(200)~~ “Net Emissions Increase” –

(a) With respect to any PSD pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero (0):

1. The increase in emissions from a particular physical change or change in the method of operation as calculated pursuant to paragraph 62-212.400(2)(a), F.A.C.; and

2. Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are creditable. Baseline actual emissions for calculating increases and decreases under this subparagraph ~~62-210.200(179)(a)2., F.A.C.~~, shall be determined as provided ~~by the definition of “baseline actual emissions” in subsection 62-210.200(34), F.A.C.~~, except that subparagraphs ~~(a)3. and (b)4. of such definition 62-210.200(34)(a)3. and (b)4., F.A.C.~~, shall not apply.

(b) through (g) No change.

(h) Paragraph ~~(a) of the definition of “actual emissions” 62-210.200(11)(a), F.A.C.~~, shall not apply for determining creditable increases and decreases.

(201) through (207) renumbered (209) through (215) No change.

(216) “Non-heatset” – A lithographic printing process where the printing inks are set without the use of heat. Traditional non-heatset inks set and dry by absorption and/or oxidation of the ink oils. Ultraviolet-cured, thermography and electron beam-cured inks are considered non-heatset although radiant energy is required to cure these inks.

(208) through (230) renumbered (217) through (239) No change.

(240) “Polyester Resin Material” – Materials used in polyester resin operations which include isophthalic, orthophthalic, halogenated, bisphenol-A, vinyl-ester or furan resins; cross-linking agents; catalysts, gel coats, inhibitors, accelerators, promoters, and any other VOC containing materials.

(231) through (235) renumbered (241) through (245) No change.

(246) “Printing Line” – A printing production assembly composed of one or more units used to produce a printed substrate including any associated coating, spray powder application, or infrared, natural gas, or electric heating units or dryers.

(236) through (248) renumbered (247) through (259) No change.

(260) “Reinforced Polyester Resin Operations” – An operation that entails saturating a reinforcing material such as glass fiber with a polyester resin material. Such operations include the production or rework of product by mixing, pouring, hand laying-up, impregnating, injecting, forming, spraying, and/or curing unsaturated polyester materials with fiberglass, fillers, or any other reinforcement materials and associated cleanup.

(249) through (259) renumbered (261) through (271) No change.

(272) “Screen Printing” – A printing system where the printing ink passes through a web or fabric to which a refined form of stencil has been applied. The stencil openings determine the form and dimensions of the imprint.

(260) through (290) renumbered (273) through (303) No change.

(304) “Thermography” – The process of spreading thermal powders on the wet ink of a print application and heating it in order to melt the powder into a single solid mass which creates a raised printing effect. The heating is accomplished with a natural gas or electric oven.

(291) through (302) renumbered (305) through (316) No change.

(317) “Ultraviolet-Cured” – An ink and coating drying process by which monomers, oligomers, and other components polymerize to form a film when exposed to ultraviolet radiation.

(303) through (315) renumbered (318) through (330) No change.

(331) “Water-based Ink/Coating/Adhesive” – An ink, coating or adhesive with a VOC content less than or equal to 25 percent by weight as applied.

(316) through (317) Renumbered (332) through (333).

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, _____.

62-210.300 Permits Required.

Unless exempted from permitting pursuant to this rule paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., or unless specifically authorized by provision of subsection 62-210.300(4), F.A.C., or Rule 62-213.300, F.A.C., the owner or operator of any facility or emissions unit which emits or can reasonably be expected to emit any air pollutant shall obtain an appropriate authorization permit from the Department prior to undertaking any activity at the facility or emissions unit for which such authorization is required beginning construction, reconstruction pursuant to 40 CFR 60.15 or 63.2, modification, or the addition of pollution control equipment; or to authorize initial or continued operation of the emissions unit or to establish a PAL or Air Emissions Bubble.

The Department grants authorization to conduct such activities by individual air permit or by air general permit. Activities requiring authorization by individual air construction permit are addressed at subsection 62-210.300(1), F.A.C., and activities requiring authorization by individual air operation permit are addressed at subsection 62-210.300(2), F.A.C. Authorization by air general permit is addressed at section 62-210.300(4), F.A.C. All emissions limitations, controls, and other requirements imposed by any individual air permit such permits shall be at least as stringent as any applicable limitations and requirements contained in or enforceable under the State Implementation Plan (SIP) or that are otherwise federally enforceable. Except as provided at Rule 62-213.460, F.A.C., being authorized to construct, operate, or undertake any other activity by issuance of a individual air permit or air general permit does not relieve the owner or operator of a facility or an emissions unit from complying with any applicable requirements, any emission limiting standards or other requirements of the air pollution rules of the Department or any other such requirements under federal, state, or local law.

(1) Air Construction Permits.

(a) through (b) No change.

1. Except for those limitations or requirements that are obsolete, all limitations and requirements of an air construction permit shall be included and identified in any air operation permit for the facility or emissions unit. The limitations and requirements included in the air operation permit can be changed, and thereby superseded, through the issuance of an air construction permit, federally enforceable state air operation permit, federally enforceable air general permit, or Title V air operation permit; provided, however, that:

a. through b. No change.

c. Any change in a permit limitation or requirement that originates from a permit issued pursuant to 40 CFR 52.21, subparagraph 62-204.800(11)(4)(d)2., F.A.C., Rule 62-212.400, F.A.C., Rule 62-212.500, F.A.C., or any former codification of Rule 62-212.400 or 62-212.500, F.A.C., shall be accomplished only through the issuance of a new or revised air construction permit under subparagraph 62-204.800(11)(4)(d)2., F.A.C., Rule 62-212.400 or 62-212.500, F.A.C., as appropriate.

2. through 3. No change.

(c) Notwithstanding the provisions of paragraph 62-210.200(1)(a), F.A.C., the owner or operator of any eligible facility who registers to use an air general permit under Rule 62-210.310, F.A.C., or Rule 62-213.300, F.A.C., who is not denied use of the air general permit, and who constructs the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to this subsection, provided, however, that any proposed new major stationary source, major modification, or modification that would be a major

modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit; subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, or subsequent to the creation of or change to a bubble, and demonstration of compliance with the conditions of such air the construction permit for any new or modified facility or emissions unit; subsequent to the establishment of a PAL or any air emissions bubble by air construction permit; or as otherwise provided in this chapter or Chapter 62-213, F.A.C.; the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit or air general permit, or an administrative correction or revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapter 62-213 (if the facility is a Title V source), and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. through 3. No change.

4. In the case of an emissions unit permitted pursuant to sub-subparagraphs 62-210.300(2)(a)3.b., c., and d., F.A.C., include reasonable notification and compliance testing requirements for reactivation of such emissions unit and provide that the owner or operator demonstrate to the Department prior to reactivation that such reactivation would not constitute any modification or reconstruction pursuant to this chapter or any federal regulation adopted by reference at Rule subsection 62-204.800(7), F.A.C.

(b) No change.

(c) Notwithstanding the provisions of subsection 62-210.300(2), F.A.C., the owner or operator of any eligible facility who registers to use an air general permit under Rule 62-210.310, F.A.C., or Rule 62-213.300, F.A.C., who is not denied use of the air general permit, and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air operation permit pursuant to this subsection or Rule 62-213.400, F.A.C.

(3) Exemptions. Except as otherwise provided herein, an owner or operator shall not be required to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., for any A facility, emissions unit or pollutant-emitting activity that shall be exempt from the permitting requirements of this chapter, Chapter 62-212 F.A.C., and 62-4, F.A.C., if it satisfies the applicable criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or if it has been exempted from permitting pursuant to Rule 62-4.040, F.A.C. Failure of a facility, emissions unit or activity to satisfy the exemption criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., does not preclude such facility,

emissions unit or activity from being considered for exemption pursuant to Rule 62-4.040, F.A.C. Notwithstanding the above, no emissions unit or activity shall be exempt from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., if it would be subject to any unit-specific applicable requirement, including a PAL. Furthermore, no new, reconstructed, or modified emissions unit or activity shall be exempt from the requirement to obtain an air construction permit if its emissions would contribute to a major modification or to any modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C. An emissions unit or pollutant-emitting activity exempt from the requirement to obtain an air construction permit under this rule shall not be exempt from the permitting requirements of Chapter 62-213, F.A.C., if it is contained within a Title V source or if its emissions, in combination with the emissions of other emission units and activities at the facility, would cause the facility to be classified as a Title V source; however, such emissions units and activities shall be considered insignificant for Title V purposes provided they also meet the criteria of subparagraph 62-213.300(2)(a)1. or paragraph 62-213.430(6)(b), F.A.C. Any proposed new emissions unit or activity that would be exempt from permitting under this rule shall not be required to obtain an air construction permit pursuant to this chapter, Chapter 62-212, or 62-4, F.A.C., even if such unit or activity would be contained within a Title V source. No emissions unit shall be entitled to an exemption from permitting under this rule if its emissions, in combination with the emissions of other units and activities at the facility, would cause the facility to emit or have the potential to emit any pollutant in such amount as to make the facility a Title V source. Neither shall any emissions unit be entitled to an exemption from permitting under this rule if it would be subject to any unit-specific applicable requirement including a PAL. Exemption from the requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., does not relieve any emissions unit or activity from complying with any requirement under 40 CFR Part 60, 61, or 63, adopted and incorporated by reference at Rule 62-204.800, F.A.C., to which it is subject, even if such requirement is not a unit-specific applicable requirement. Furthermore, Notwithstanding its exemption from air permitting, an exempt emissions unit or activity shall be subject to any general, facility-level applicable requirements, and its emissions shall be considered in determining the applicability of permitting requirements to other emissions units at the facility or to the facility as a whole.

(a) Categorical and Conditional Exemptions. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, the following facilities, emissions units, and pollutant-emitting activities shall be exempt from any

requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C. The exemptions listed at subparagraphs 62-210.300(3)(a)23. through 36., F.A.C., are valid only if the owner or operator ensures that the conditions of exemption are met.

1. One (1) or more fossil fuel steam generators and hot water generating units located within a single facility; collectively having a total rated heat input equaling 100 million BTU per hour or less; and collectively burning annually no more than 145,000 gallons of fuel oil containing no more than 1.0 percent sulfur, or no more than 290,000 gallons of fuel oil containing no more than 0.5 percent sulfur, or an equivalent prorated amount of fuel oil if multiple fuels are used, provided none of the generators or hot water generating units is subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. section 7411 or 7412.

2. Any individual fossil fuel steam generator and hot water generating unit with a rated heat input equaling 100 million BTU per hour or less and burning annually no more than 150 million standard cubic feet of natural gas or no more than one million gallons of propane or no more than one million gallons of fuel oil containing no more than 0.05 percent sulfur, or an equivalent prorated amount if multiple fuels are used, provided:

a. The total annual fuel consumption for all units exempted by subparagraphs 62-210.300(3)(a)2. and 3., F.A.C., at a facility does not exceed 375 million standard cubic feet of natural gas or 2.5 million gallons of propane or 2.5 million gallons of fuel oil containing no more than 0.05 percent sulfur, or an equivalent prorated amount if multiple fuels are used and;

b. The unit is not subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. 7411 or 7412.

3. One (1) or more fossil fuel steam generators and hot water generating units located within a single facility, collectively having a total rated heat input equaling 10 million BTU per hour or less, and fired exclusively by natural gas or propane, provided:

a. During periods of natural gas curtailment, only propane or fuel oil containing no more than 1.0 percent sulfur is fired; and,

b. None of the generators or hot water heating units is subject to the Federal Acid Rain Program or any standard or requirement under 42 U.S.C. section 7411 or 7412.

4. through 17. renumbered 1. through 14. No change.

15. Fire and safety equipment.

16. Petroleum lubrication systems.

17. Application of fungicide, herbicide, or pesticide.

18. Asbestos renovation and demolition activities.

19. Vehicle refueling operations and associated fuel storage.

20. Restaurants.

21. Burning of drugs seized by law enforcement agencies in boilers with a heat input of 250 million Btu per hour or more.

22. Phosphogypsum cooling ponds and inactive phosphogypsum stacks which have demonstrated compliance with the requirements of 40 CFR Part 61, Subpart R, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

23. Degreasing units using heavier-than-air vapors exclusively, provided that such units shall not use any substance containing any hazardous air pollutant.

24. Non-halogenated solvent storage and cleaning operations, provided that such operations shall not use any solvent containing any hazardous air pollutant.

~~25.48. Petroleum dry cleaning facilities, provided the with a solvent consumption shall be of less than 3,250 gallons per year.~~

~~26.49. Portable aAir curtain incinerators, provided the following conditions are met. An air curtain incinerator shall be exempt from any requirement to obtain an air construction permit or non Title V air operation permit provided it is constructed and operated in compliance with all of the following conditions:~~

a. Except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.e.~~, F.A.C., only land clearing debris and appropriate starting fuel shall be burned in the air curtain incinerator. The air curtain incinerator shall not be used to burn any material prohibited to be open-burned as set forth at subsection 62-256.300(3), F.A.C. Only kerosene, diesel fuel, drip torch fuel (as used to ignite prescribed fires), untreated wood, virgin oil, natural gas or liquefied petroleum gas shall be used to start the fire in the air curtain incinerator. The use of used oil, chemicals, gasoline, or tires to start the fire is prohibited.

b. The air curtain incinerator, alone or in combination with any other air curtain incinerator(s) claiming this exemption from air permitting, shall not be deployed at a single site for more than six (6) months in any consecutive twelve (12) months ~~month~~ period and, except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.e.~~, F.A.C., shall not burn any material other than land clearing debris generated at the site or at any other site under control of the same person (or persons under common control). For purposes of this provision ~~rule~~, a site is any and all locations on one (1) or more contiguous or adjacent properties which are under the control of the same person (or persons under common control), except that, in the case of a linear right-of-way, a site is any and all locations within any one-mile span of right-of-way. Any deployment of one (1) or more air curtain incinerators at a single site for more than six (6) months in any consecutive twelve (12) months ~~12-month~~ period, and, except as provided at sub-subparagraph c. ~~62-210.300(3)(a)19.e.~~, F.A.C., any use of an air curtain incinerator at a site to burn material other than

land clearing debris generated at the site or any other site under control of the same person (or persons under common control), shall require an appropriate air permit.

c. Notwithstanding the provisions of sub-subparagraphs a. and b. ~~62-210.300(3)(a)19.a. and b.~~, F.A.C., the air curtain incinerator may be used for up to six (6) months in any consecutive twelve (12) months ~~12-month~~ period at any location for the destruction of animal carcasses in accordance with the provisions of subsection 62-256.700(6), F.A.C., the burning of storm-generated debris in accordance with the provisions of subsection 62-256.700(8), F.A.C., or the destruction of insect or disease-infested vegetation in accordance with the provisions of subsection 62-256.700(9), F.A.C. When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion.

d. through f. No change.

~~g. In accordance with the provisions of 40 CFR Part 60, Subparts AAAA, BBBB, CCCC, and DDDD, adopted and incorporated by reference at Rule 62-204.800, F.A.C., V~~visible emissions from the air curtain incinerator shall not exceed ten percent (10%) opacity, six (6) minute average, except for up to thirty (30) minutes during periods of startup when visible emissions up to thirty-five percent (35%) opacity, six (6) minute average, shall be allowed. For purposes of this exemption, these visible emissions limitations shall not be considered unit-specific applicable requirements.

h. through i. No change.

m. If the air curtain incinerator is operated in compliance with all conditions of this exemption, it shall not be subject to ~~any testing, reporting, or recordkeeping requirement for air curtain incinerators under 40 CFR Part 60, Subpart AAAA, BBBB, CCCC, or DDDD, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; nor shall it be subject to the requirements of subsection 62-296.401(7), F.A.C.~~

~~20. One (1) or more emergency generators located within a single facility provided:~~

~~a. None of the emergency generators is subject to the Federal Acid Rain Program; and~~

~~b. Total fuel consumption by all such emergency generators within the facility is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.~~

~~21. One (1) or more heating units, general purpose internal combustion engines, or other combustion devices, all of which are located within a single facility, are not listed elsewhere in paragraph 62-210.300(3)(a), F.A.C., and are not pollution control devices, provided:~~

~~a. None of the heating units, general purpose internal combustion engines, or other combustion devices that would be exempted is subject to the Federal Acid Rain Program;~~

~~b. Total fuel consumption by all such heating units, general purpose internal combustion engines, and other combustion devices that would be exempted is limited to 32,000 gallons per year of diesel fuel, 4,000 gallons per year of gasoline, 4.4 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used; and~~

~~e. Fuel for the heating units, general purpose internal combustion engines, and other combustion devices that would be exempted is limited to natural gas, diesel fuel, gasoline and propane.~~

~~22. Fire and safety equipment.~~

~~27.23. Surface coating operations within a single facility if the total quantity of coatings containing greater than 5.0 percent VOCs, by volume, used is 6.0 gallons per day or less, averaged monthly, provided:-~~

~~a. The surface coating operation shall use only coatings containing 5.0 percent or less VOC, by volume, or the total quantity of coatings containing greater than 5.0 percent VOC, by volume, used at the facility shall not exceed 6.0 gallons per day, averaged monthly, where the quantity of coatings used includes all solvents and thinners used in the process or for cleanup; and~~

~~b.a. Such operations are not subject to any unit-specific applicable requirement, a volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.; and~~

~~b. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.~~

~~24. Surface coating operations utilizing only coatings containing 5.0 percent or less VOCs, by volume.~~

~~25. Phosphogypsum cooling ponds and inactive phosphogypsum stacks which have demonstrated compliance with the requirements of 40 C.F.R. Part 61, Subpart R, hereby adopted and incorporated by reference.~~

~~26. Degreasing units using heavier than air vapors exclusively, except any such unit using or emitting any substance classified as a hazardous air pollutant.~~

~~28.27. Volume reduction processes as defined in Rule 62-296.417, F.A.C., provided wherein the owner or operator shall manage manages only spent mercury-containing lamps removed from the facility where the volume reduction process is located.~~

~~29.28. Mercury recovery processes as defined in Rule 62-296.417, F.A.C., provided wherein the owner or operator shall manage manages only spent mercury-containing devices temporarily or permanently removed from service from the owner or operator's own facilities or installations.~~

~~30.29. Bulk gasoline plants, provided:~~

~~a. Such operations are not conducted at a facility that is subject to the permitting requirements of Chapter 62-213, F.A.C., and the emissions from such operations would not contribute to total emissions that would make the facility subject to those requirements;~~

~~b. through c. renumbered a. through b. No change.~~

~~c.d. The facility shall does not exceed a throughput rate (receive and distribute) of 1.3 million gallons of gasoline in any consecutive twelve (12) months period;~~

~~d.e. The facility is not subject to any unit-specific applicable requirement Standard of Performance for New Stationary Sources (NSPS) requirement adopted by reference in Rule 62-204.800, F.A.C.; and~~

~~e.f. No change.~~

~~30. Petroleum lubrication systems.~~

~~31. Application of fungicide, herbicide, or pesticide.~~

~~32. Asbestos renovation and demolition activities.~~

~~33. Non-halogenated solvent storage and cleaning operations, provided the solvents contain none of the hazardous air pollutants listed at Rule 62-210.200, F.A.C.~~

~~34. Vehicle refueling operations and associated fuel storage.~~

~~35. Restaurants.~~

~~36. Burning of drugs seized by law enforcement agencies in boilers with a heat input of 250 million BTU per hour or more.~~

~~31.37. Relocatable wet screening-only operations, provided:~~

~~a. The screening operation is not connected to a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;~~

~~b. No dry material is processed; and~~

~~b.e. No hazardous waste or toxic waste as defined in Section 403.703, F.S., shall be Department rules, is processed; and-~~

~~c. The operation shall not operate at a single site for more than six (6) months in any consecutive twelve (12) months. For purposes of this provision, a site is any and all locations on one or more contiguous or adjacent properties which are under the control of the same person (or persons under common control).~~

~~32.38. Brownfield site remediation, as described at Rule 62-785.700, F.A.C., provided that the total volatile organic compounds in the air emissions from all onsite remediation equipment shall does not exceed 13.7 pounds per day.~~

~~33. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity equal to or less than 10 million Btu per hour, provided the following conditions are met with respect to each such unit.~~

~~a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.~~

b. The rated heat input capacity of the unit is equal to or less than 10 million Btu per hour and, collectively, the total rated heat input capacity of all units claiming this exemption at the same facility is less than 10 million Btu per hour.

c. The unit shall not burn used oil or any fuels other than natural gas or propane, except that fuel oil with a sulfur content not exceeding 1.0 percent by weight may be burned during periods of natural gas curtailment.

34. Fossil fuel steam generators, hot water generators, and other external combustion heating units with heat input capacity less than 100 million Btu per hour, provided the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.

b. The rated heat input capacity of the unit is less than 100 million Btu per hour and, collectively, the total rated heat input capacity of all units claiming this exemption at the same facility is less than 250 million Btu per hour.

c. The unit shall not burn more than the maximum annual amount of a single fuel, as given in sub-subparagraph e., or equivalent maximum annual amounts of multiple fuels, as addressed in sub-subparagraph f.

d. Collectively, all units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph g., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph h.

e. If burning only one (1) type of fuel, the annual amount of fuel burned by the unit shall not exceed 150 million standard cubic feet of natural gas, one million gallons of propane, one million gallons of fuel oil with a sulfur content not exceeding 0.05 percent, by weight, 290,000 gallons of fuel oil with a sulfur content not exceeding 0.5 percent, by weight, or 145,000 gallons of fuel oil with a sulfur content not exceeding 1.0 percent, by weight.

f. If burning more than one (1) type of fuel, the equivalent annual amount of each fuel burned by the unit shall not exceed the maximum annual amount of such fuel, as given in sub-subparagraph e., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total annual amount of the fuel burned by the unit to the total annual amount of such fuel allowed to be burned by the unit pursuant to sub-subparagraph e. The sum of the fuel percentages for all fuels burned by the unit must be less than or equal to 100 percent.

g. If burning only one (1) type of fuel, the collective annual amount of fuel burned by all units claiming this exemption at the same facility shall not exceed 375 million standard cubic feet of natural gas, 2.5 million gallons of propane, 2.5 million gallons of fuel oil with a sulfur content not exceeding 0.05 percent, by weight, 290,000 gallons of fuel oil

with a sulfur content not exceeding 0.5 percent, by weight, or 145,000 gallons of fuel oil with a sulfur content not exceeding 1.0 percent, by weight.

h. If burning more than one (1) type of fuel, the equivalent collective annual amount of each fuel burned by the units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in subparagraph g., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total annual amount of the fuel burned by all units claiming this exemption at the same facility to the total annual amount of such fuel allowed to be burned by all units claiming this exemption at the same facility pursuant to sub-subparagraph g. The sum of the fuel percentages for all fuels burned by the units claiming this exemption at the same facility must be less than or equal to 100 percent.

35. Emergency generators, general purpose internal combustion engines, and other reciprocating internal combustion devices, provided the following conditions are met with respect to each such unit.

a. The unit is not subject to the Acid Rain Program, CAIR Program, or any unit-specific applicable requirement.

b. The unit shall not burn used oil or any fuels other than natural gas, propane, gasoline, and diesel fuel.

c. Collectively, all units claiming this exemption at the same facility shall not burn more than the collective maximum annual amount of a single fuel, as given in sub-subparagraph d., or equivalent collective maximum annual amounts of multiple fuels, as addressed in sub-subparagraph e.

d. If burning only one (1) type of fuel, the collective annual amount of fuel burned by all units claiming this exemption at the same facility shall not exceed 2,700 gallons of gasoline, 32,000 gallons of diesel fuel, 144,000 gallons of propane, or 4.4 million standard cubic feet of natural gas.

e. If burning more than one (1) type of fuel, the equivalent collective annual amount of each fuel burned by the units claiming this exemption at the same facility shall not exceed the collective maximum annual amount of such fuel, as given in sub-subparagraph d., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the total amount of the fuel burned by all units claiming this exemption at the same facility to the total amount of such fuel allowed to be burned by all units claiming this exemption at the same facility pursuant to sub-subparagraph d. The sum of the fuel percentages for all fuels burned by the units claiming this exemption at the same facility must be less than or equal to 100 percent.

36. Printing operations, provided:

a. The facility is not subject to any unit-specific applicable requirement;

b. The facility shall use less than 667 gallons of materials containing any hazardous air pollutants in any consecutive twelve (12) months; and

c. The facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 20,000 pounds, combined, of ink, cleaning solvent, and fountain solution additives in any consecutive twelve (12) months;

(II) Operate only non-heatset offset lithographic printing lines and use less than 2,850 gallons, combined, of cleaning solvent and fountain solution additives in any consecutive twelve (12) months;

(III) Operate only digital printing lines and use less than 2,425 gallons, combined, of solvent based inks, clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(IV) Operate only screen or letterpress printing lines and use less than 2,850 gallons, combined, of solvent based inks, clean-up solutions, and other solvent-containing materials in any consecutive twelve (12) months;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 80,000 pounds, combined, of water-based inks, coatings, and adhesives in any consecutive twelve (12) months; or

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 20,000 pounds, combined, of inks, dilution solvents, coatings, cleaning solutions, and adhesives in any consecutive twelve (12) months.

(b) Generic and Temporary Exemptions.

1. Generic Emissions Unit or Activity Exemption. Except as otherwise provided at subsection 62-210.300(3), F.A.C., above, an ~~An~~ emissions unit or pollutant-emitting activity that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., permitting requirements of this chapter, Chapters 62-212 and 62-4, F.A.C., if it meets all of the following criteria:

a. through c. No change.

d. In the case of a proposed new emissions unit at an existing facility, the emissions of such unit, in combination with the emissions of any other proposed new or modified units and activities at the facility, would not result in a modification subject to the preconstruction review requirements of subparagraph 62-204.800(11)(10)(d)2., Rule 62-212.400 or 62-212.500, F.A.C.

e. No change.

2. Generic Facility Exemption. Except as otherwise provided at subsection 62-210.300(3), F.A.C., a ~~A~~ facility that is not entitled to a categorical or conditional exemption pursuant to paragraph 62-210.300(3)(a), F.A.C., shall be exempt from any requirement to obtain an air construction permit or non-Title V air operation permit, or to use an air general permit pursuant to Rule 62-210.310, F.A.C., the permitting requirements of this chapter, Chapters 62-212 and

62-213, F.A.C., and Chapter 62-4, F.A.C., if all of the emissions units and activities within the facility, including any proposed new emissions units and activities, individually meet the exemption criteria of paragraph 62-210.300(3)(a), F.A.C., or subparagraph 62-210.300(3)(b)1., F.A.C., or if the facility meets all of the following criteria:

a. through c. No change.

3. through 4. No change.

(c) Conditional Exemptions ~~from~~ ~~From~~ Title V Air Permitting. Except as otherwise provided herein, the ~~The~~ following facilities shall be ~~are~~ exempt from the requirement ~~requirements~~ to obtain a Title V air operation permit under the provisions of Chapter 62-213, F.A.C., provided the conditions of exemption for each such facility are met. Facilities exempt from Title V air permitting pursuant to subparagraph 62-210.300(3)(c)2., F.A.C., ~~but~~ are not exempt from the requirement to obtain an air construction permit or non-Title V air operation permit ~~any other air permits as may be required under this rule unless also exempt from permitting under paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C.~~ A facility shall ~~is not be~~ entitled to an exemption from Title V air permitting under this rule if it is a Title V source pursuant to paragraph (f), (g), or (h) of the definition of "major source of air pollution" or the facility would be classified as a Title V source as a result of the combined potential to emit regulated pollutants of all emissions units at the facility.

1. Facilities authorized to operate under any of the air general permits provided at subsection 62-210.310(4), F.A.C.

2. ~~Facilities comprising asphalt~~ ~~Asphalt~~ concrete plants, provided the following conditions are met.:

a. through h. No change.

i. The owner or operator shall submit a stack test using EPA Reference Method 5 or 5A and a visible emission (VE) test using EPA Reference Method 9, incorporated and adopted by reference in Rule 62-204.800, F.A.C. Chapter 62-297, F.A.C., that demonstrate compliance with the applicable PM and VE standards, respectively, to the Department by March 15, 1996, and annually thereafter during each federal fiscal year (October 1-September 30). ~~The initial tests shall have been conducted between March 16, 1995 and March 15, 1996.~~

j. An asphalt plant claiming this exemption from Title V air permitting shall not collocate with, or relocate to, any Title V source; nor shall it create a Title V source in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from permitting. ~~The owner or operator of any asphalt plant in operation as of January 1, 1996, shall notify the appropriate permitting authority, with a copy to the Division of Air Resources Management, in writing, not later than March 15, 1996. Such notification shall include a statement that the facility is operating in compliance with the provisions of subparagraph 62-210.300(3)(e)1., F.A.C., and that the facility~~

~~agrees to continue to operate in compliance with these provisions. If such facility has a valid air operation permit, the permit will be updated by the Department to incorporate the requirements of sub-subparagraphs 62-210.300(3)(c)1.a. through i., F.A.C. If such facility does not have a valid air operation permit, the facility shall apply to the Department for an air operation permit not later than March 15, 1996.~~

~~k. The owner or operator of any facility claiming this exemption must have authorization to operate by a non-Title V air operation permit asphalt plant which commences operation after January 1, 1996, must request that implements the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through j., F.A.C., be incorporated into the facility's air operation permit.~~

~~2. Bulk gasoline plants, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the bulk gasoline plant and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.;~~

~~b. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.~~

~~e. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.~~

~~d. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12)-month period.~~

~~e. The owner or operator of the facility maintains records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Bulk Gasoline Plant Air General Permit Notification Form (DEP Form No. 62-210.920(2)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~g. The owner or operator of any bulk gasoline plant in operation as of January 1, 1996, which is not entitled to an air general permit shall notify the appropriate permitting authority, with a copy to the Division of Air Resources Management, in writing, not later than March 15, 1996. Such notification shall include a statement that the facility is operating in compliance with the provisions of subparagraph 62-210.300(3)(c)2., F.A.C., and that the facility agrees to continue to operate in compliance with these provisions. If such facility has a valid air operation permit, the permit will be updated by the Department to incorporate the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through e., F.A.C. If such facility does not have a valid air operation permit, the facility shall apply to the Department for an air operation~~

~~permit not later than March 15, 1996. The owner or operator of any such bulk gasoline plant which commences operation after January 1, 1996, must request that the requirements of sub-subparagraphs 62-210.300(3)(c)2.a. through e., F.A.C., be incorporated into the facility's air operation permit.~~

~~3. Facilities comprising heating units and general purpose internal combustion engines, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the heating units and general purpose internal combustion engines and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. None of the heating units or general purpose internal combustion engines is subject to the Federal Acid Rain Program as defined at Rule 62-210.200, F.A.C.~~

~~e. Each of the heating units or general purpose internal combustion engines meets the general visible emissions standard of paragraph 62-296.320(4)(b), F.A.C.~~

~~d. Total fuel consumption by all heating units and general purpose internal combustion engines within the facility is limited to 250,000 gallons per year of diesel fuel, 22,000 gallons per year of gasoline, 35 million standard cubic feet per year of natural gas or propane, or an equivalent prorated amount if multiple fuels are used.~~

~~e. The owner or operator of the facility maintains records to document the fuel consumption, by type, for each emissions unit. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Heating Units and General Purpose Internal Combustion Engines Air General Permit Notification Form (DEP Form No. 62-210.920(3)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~4. Facilities comprising surface coating operations, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the surface coating operations and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~e. The amount of coatings used shall include any solvents and thinners used in the process including those used for cleanup.~~

~~d. The total quantity of VOCs in such coatings is forty four (44) pounds per day or less, averaged monthly.~~

~~e. The owner or operator of the facility maintains records to document the VOC content and the quantity of the coatings used. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~f. The owner or operator submits a completed Surface Coating Operations Air General Permit Notification Form (DEP Form No. 62-210.920(4)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~5. Facilities comprising polyester resin plastic products fabrication activities, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the polyester resin plastic products fabrication units and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~e. The combined quantity of styrene containing resin and gelecoat used shall not exceed 76,000 pounds (thirty-eight (38) tons) in any consecutive twelve (12) month period.~~

~~d. The owner or operator of the facility maintains records to document the quantity of resin and gelecoat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~e. The owner or operator submits a completed Polyester Resin Plastic Products Fabrication Air General Permit Notification Form (DEP Form No. 62-210.920(5)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~6. Facilities comprising cast polymer operations, provided the following conditions are met:~~

~~a. The facility operates no emissions units other than the cast polymer operations and emissions units which are exempt from permitting pursuant to the criteria of paragraph 62-210.300(3)(a) or (b), F.A.C., or have been exempted from permitting under Rule 62-4.040, F.A.C.~~

~~b. Such operations are not subject to a volatile organic compound Reasonably Available Control Technology (RACT) emission limiting standard of Chapter 62-296, F.A.C.~~

~~e. The combined quantity of styrene containing resin and gel coat used shall not exceed 284,000 pounds (142 tons) in any consecutive twelve (12) month period.~~

~~d. The owner or operator of the facility maintains records to document the quantity of resin and gel coat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.~~

~~e. The owner or operator submits a completed Cast Polymer Operations Air General Permit Notification Form (DEP Form No. 62-210.920(6)), showing entitlement to the use of the general permit, to the Department at least thirty (30) days prior to beginning operations under the general permit.~~

~~(4) Authorization by Air General Permits.~~

~~(a) Title V Sources: Certain facilities may use are eligible to operate under the terms of an air general permit pursuant to the procedures and general conditions of Rule 62-210.310, F.A.C., Air General Permits, or Rule 62-213.300, F.A.C., Title V Air General Permits. These facilities are specified in Rules 62-210.310 and 62-213.300, F.A.C. The owner or operator of any eligible facility who registers to use an air general permit under either of these rules, who is not denied use of the air general permit. Unless otherwise specified in Rule 62-213.300, F.A.C., the responsible official of any facility that is eligible and has submitted notification to use an air general permit pursuant to Rule 62-213.300, F.A.C., and who operates the facility in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to subsection 62-210.300(1), F.A.C., or an In addition, such responsible official shall not be required to obtain a regular air operation permit pursuant to subsection 62-210.300(2), F.A.C., or Rule 62-213.400, F.A.C. a regular Title V air operation permit pursuant to Chapter 62-213, F.A.C.~~

~~(b) Facilities with Conditional Exemptions from Title V Air Permitting. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., shall be eligible to use any air general permit in this paragraph. No facility is eligible to use more than one (1) air general permit under this paragraph. The following facilities are eligible to operate under the terms of an air general permit issued pursuant to the procedures and general conditions of paragraphs 62-210.300(4)(d) through (e), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(e)2., F.A.C.; 1. Bulk gasoline plants, provided the owner or operator timely submits a completed Bulk Gasoline Plant Air General Permit Notification Form (DEP Form No. 62-210.920(2)) to the Department and, throughout the term of the general permit:~~

~~b. The facility is not subject to any Standard of Performance for New Stationary Sources (NSPS) requirement adopted by reference in subsection 62-204.800(7), F.A.C.; and~~

~~e. The facility is not subject to any volatile organic compound Reasonably Available Control Technology (RACT) requirement of Chapter 62-296, F.A.C.~~

~~2. Facilities comprising heating units and general purpose internal combustion engines, provided the owner or operator timely submits a completed Heating Units and General Purpose Internal Combustion Engines Air General Permit Notification Form (DEP Form No. 62-210.920(3)) to the Department and, throughout the term of the general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)3., F.A.C.; and~~

~~b. The owner or operator voluntarily encourages pollution prevention through such measures as employing energy conservation measures to reduce the demand for heat from any heating units, maintaining heating units to ensure efficient heat recovery, considering the use of economizers to recycle waste heat back into the combustion air stream, developing operating procedures to reduce the load on any internal combustion engines, and considering the use of alternative fuels.~~

~~3. Facilities comprising surface coating operations, provided the owner or operator timely submits a completed Surface Coating Operations Air General Permit Notification Form (DEP Form No. 62-210.920(4)) to the Department and, throughout the term of the general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)4., F.A.C.; and~~

~~b. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in surface coating operations on methods of reducing VOC emissions by maintaining spray coating equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness to avoid excessive coating, considering the use of low-VOC coatings (e.g., waterborne, ultraviolet cured, or powder coatings), implementing inventory control practices to prevent spillage, and implementing management practices to reduce VOC emissions during cleanup (e.g., spraying light colored coatings before dark colored coatings to reduce the number of cleaning cycles, recycling cleaning solvents or using water-based cleaners).~~

~~4. Facilities comprising polyester resin plastic products fabrication activities, provided the owner or operator timely submits a completed Polyester Resin Plastic Products Fabrication Air General Permit Notification Form (DEP Form No. 62-210.920(5)) to the Department and, throughout the term of the general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)5., F.A.C.;~~

~~b. The facility complies with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.; and~~

~~e. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in product fabrication on methods of reducing evaporative losses by lessening the exposure of fresh resin surfaces to the air, maintaining spray lay up equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness to avoid excessive resin/gelcoat application, implementing inventory control practices to prevent spillage, and managing cleanup solvents.~~

~~5. Facilities comprising cast polymer operations, provided the owner or operator timely submits a completed Cast Polymer Operations Air General Permit Notification Form (DEP Form No. 62-210.920(6)) to the Department and, throughout the term of the general permit:~~

~~a. The facility complies with the requirements for a conditional exemption from Title V permitting pursuant to subparagraph 62-210.300(3)(c)6., F.A.C.;~~

~~b. The facility complies with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.; and~~

~~c. The owner or operator voluntarily encourages pollution prevention through such measures as training employees involved in product fabrication on methods of reducing evaporative losses by lessening the exposure of fresh resin surfaces to the air, maintaining spray lay up equipment to ensure effective application with a minimum of overspray, monitoring the coating thickness to avoid excessive resin/gel coat application, implementing inventory control practices to prevent spillage, and managing cleanup solvents.~~

~~(e) Other Non-Title V Air General Permits. No facility which contains an emissions unit, other than a unit described in an air general permit under this paragraph or a unit exempted from permitting pursuant to paragraph 62-210.300(3)(a) or (b), F.A.C., or Rule 62-4.040, F.A.C., shall be eligible to use any air general permit in this paragraph. Unless specifically authorized by the particular air general permit, no facility is eligible to use more than one (1) air general permit under this paragraph. In no event, however, shall any emissions unit be eligible to use any air general permit in this paragraph if the unit would be a Title V source as defined at Rule 62-210.200, F.A.C., be located at or relocated to a Title V source, or create a Title V source with other facilities or emissions units. The following facilities are eligible to operate under the terms of an air general permit pursuant to the procedures and general conditions of paragraphs 62-210.300(4)(d) through (e), F.A.C., provided all existing air permits authorizing operation of the facility are surrendered, all requirements of this paragraph are met, and the facility complies with the terms and conditions of the particular air general permit throughout the term of the air general permit:~~

~~1. Volume reduction, mercury recovery, and mercury reclamation processes as defined in and subject to the requirements of Rule 62-296.417, F.A.C., provided the owner or operator submits a completed Volume Reduction, Mercury~~

~~Recovery or Mercury Reclamation Air General Permit Notification Form (DEP Form No. 62-210.920(1)) to the Department at least thirty (30) days prior to beginning operations under the general permit and, throughout the term of the general permit, the facility does not emit or have the potential to emit ten (10) tons per year or more of mercury.~~

~~2. Concrete batching plants as subject to the requirements of Rule 62-296.414, F.A.C., provided:~~

~~a. The owner or operator timely submits a completed Concrete Batching Plant Air General Permit Notification Form (DEP Form No. 62-210.920(7)) to the Department. The owner or operator of any proposed new concrete batching plant shall publish a notice of intent to use the general permit in a newspaper of general circulation in the area affected by the proposed project no more than twenty-one (21) days prior to submitting a completed notification form to the Department, shall submit a completed notification form with proof of notice publication to the Department at least thirty (30) days prior to beginning construction, and shall demonstrate compliance no more than thirty (30) days after beginning operation. The Department shall provide the format for the notice of intent;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of Rule 62-296.414, F.A.C.;~~

~~e. The owner or operator of any relocatable concrete batching plant proposing to change location shall submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department at least thirty (30) days prior to relocation;~~

~~d. The owner or operator of a stationary concrete batching plant using an air general permit may operate a stationary nonmetallic mineral processing plant using an air general permit at the same location provided all concrete batching plant units operate under a single concrete batching plant air general permit, all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;~~

~~e. The owner or operator of a stationary concrete batching plant using an air general permit may operate, or allow the operation of, one or more relocatable nonmetallic mineral processing plants using individual air general permits at the same location as the concrete batching plant provided the resultant facility contains no additional nonexempt units, the total combined annual facility wide fuel oil usage of all plants is less than 240,000 gallons per calendar year, the material processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the concrete batching plant shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and~~

~~f. The owner or operator of multiple relocatable concrete batching plants using individual concrete batching plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units and would not be a Title V source.~~

~~3. Human crematories as subject to the requirements of subsection 62-296.401(5), F.A.C., provided:~~

~~a. The owner or operator obtains an air construction permit pursuant to subsection 62-210.300(1), F.A.C., and at least thirty (30) days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Human Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(8)) to the Department;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of subsection 62-296.401(5), F.A.C.; and~~

~~e. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.~~

~~4. Animal crematories with aggregate facility design capacity to cremate 500 pounds per hour or less, as subject to the requirements of subsection 62-296.401(6), F.A.C., provided:~~

~~a. The owner or operator obtains an air construction permit pursuant to subsection 62-210.300(1), F.A.C., and at least thirty (30) days prior to the expiration date of any air construction or existing air operation permit the owner or operator submits a completed Animal Crematory Air General Permit Notification Form (DEP Form No. 62-210.920(9)) to the Department;~~

~~b. Throughout the term of the air general permit, the owner or operator complies with the requirements of subsection 62-296.401(6), F.A.C.; and~~

~~e. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.~~

~~5. Nonmetallic mineral processing plants, provided the owner or operator timely submits a completed Nonmetallic Mineral Processing Plant Air General Permit Notification Form (DEP Form No. 62-210.920(10)) to the Department, and, throughout the term of the general permit complies with the following terms and conditions:~~

~~a. For purposes of this rule, the definitions of 40 CFR 60.671, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply;~~

b. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by phone prior to changing location and submit a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than one (1) business day following relocation;

e. For all relocatable nonmetallic mineral processing plants, except those located at mines or quarries and processing only material from onsite natural deposits, and for all stationary nonmetallic mineral processing plants processing dry material, the owner or operator shall have a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points;

d. The owner or operator shall comply with paragraph 62-296.320(4)(e), F.A.C., using the following reasonable precautions:

(i) Unconfined emissions that might be generated from various activities throughout a nonmetallic mineral processing plant processing dry material shall be controlled by using a water suppression system with spray bars located at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points.

(ii) Unconfined emissions that might be generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work yards where this nonmetallic mineral processing plant is located;

e. The owner or operator shall comply with the following emissions standards, as applicable:

(i) Stack emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not contain particulate matter in excess of 0.05 grams per dry standard cubic meter (g/dscm) nor exceed seven percent (7%) opacity, unless the stack emissions are discharged from a wet scrubbing control device.

(ii) Stack emissions from any baghouse that controls emissions from only an individual, enclosed storage bin subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed seven percent (7%) opacity.

(iii) Visible emissions from any grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall not exceed ten

percent (10%) opacity; and visible emissions from any crusher without a capture system subject to 40 CFR Part 60, Subpart OOO, shall not exceed fifteen percent (15%) opacity.

(iv) If any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is enclosed in a building, then each enclosed emission point must comply with the emission limits in sub-subparagraphs 62-210.300(4)(e)5.e.(i) through (iii), F.A.C., or the building enclosing the emission point(s) shall not discharge any visible fugitive emissions, except emissions from a vent, and the vent emissions shall not exceed the stack emissions limits of sub-sub-subparagraph 62-210.300(4)(e) 5.e.(i), F.A.C.

(v) Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other emission point not subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be less than twenty (20%) opacity, pursuant to subparagraph 62-296.320(4)(b)1., F.A.C.

(vi) Truck dumping of nonmetallic minerals into any screening operation, feed hopper, or crusher subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., is exempt from the emissions standards of sub-subparagraph 62-210.300(4)(e)5.e., F.A.C.;

f. The owner or operator shall ensure that wet screening operations and subsequent screening operations, bucket elevators, and belt conveyors that process saturated material in the production line up to the next crusher, grinding mill or storage bin and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions. The owner or operator shall also ensure that screening operations, bucket elevators, and belt conveyors in the production line downstream of wet mining operations, where such screening operations, bucket elevators, and belt conveyors process saturated materials up to the first crusher, grinding mill, or storage bin in the production line and are subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., do not discharge any visible emissions;

g. The owner or operator of a nonmetallic mineral processing plant subject to 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and using a wet scrubber to control emissions shall comply with the monitoring requirements of 40 CFR 60.674, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

h. The owner or operator shall provide a compliance demonstration with the emission standards of sub-subparagraph 62-210.300(4)(e)5.e., F.A.C., along with a request for renewal of authorization for use of the air general permit. The owner or operator of any new facility shall demonstrate initial compliance with the emission standards of sub-subparagraph 62-210.300(4)(e)5.e., F.A.C., prior to beginning commercial operation and shall demonstrate renewal compliance with the emission standards of sub-subparagraph 62-210.300(4)(e)5.e., F.A.C., within sixty (60) days prior to the anniversary of the initial air general permit notification form submittal date. The owner or operator of any existing facility shall demonstrate compliance with the emission standards of sub-subparagraph 62-210.300(4)(e)5.e., F.A.C., within sixty (60) days prior to submitting an air general permit notification form and shall demonstrate renewal compliance within sixty (60) days prior to the anniversary of the initial air general permit notification form submittal date. For purposes of the testing requirements of this rule, the visible emission reference test method shall be EPA Method 9, the visible fugitive emission reference test method shall be EPA Method 22, the particulate matter reference test method shall be either EPA Method 5 or 17, and the test procedures shall meet all applicable requirements of Chapter 62-297, F.A.C., 40 CFR 60.675, and 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

i. The owner or operator shall meet all applicable reporting and recordkeeping requirements of Chapter 62-297, F.A.C. and 40 CFR 60.676, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

j. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate a stationary concrete batching plant using an air general permit at the same location provided all nonmetallic mineral processing plant units operate under a single nonmetallic mineral processing plant air general permit, all concrete batching plant units operate under a single concrete batching plant air general permit, and the resultant facility contains no additional nonexempt units and would not be a Title V source;

k. The owner or operator of a stationary nonmetallic mineral processing plant using an air general permit may operate, or allow the operation of, one (1) or more relocatable concrete batching plants using individual air general permits at the same location as the nonmetallic mineral processing plant provided the resultant facility contains no additional nonexempt units and would not be a Title V source;

l. The owner or operator of multiple relocatable nonmetallic mineral processing plants using individual nonmetallic mineral processing plant air general permits may operate more than one such plant at the same location provided the resultant facility contains no additional nonexempt units, the total combined annual facility-wide fuel oil usage of all

plants is less than 240,000 gallons per calendar year, the material processed is less than 10 million tons per calendar year, and the fuel oil sulfur content does not exceed 0.5%, by weight. The owner or operator of the nonmetallic mineral processing plants shall maintain a log book to account for fuel consumption and material processed on a monthly basis. Fuel supplier certifications shall be maintained to account for the sulfur content of the fuel being burned; and

m. If a relocatable nonmetallic mineral processing plant is used to perform a routine function of a facility subject to regular air permitting, such as crushing recycled asphalt (rap) at an asphalt plant, it shall not operate under the authority of an air general permit. In such case, the regularly permitted facility air construction or air operation permit(s) must provide for operation of the nonmetallic mineral processing plant as an emission unit. If a relocatable nonmetallic mineral processing plant is used at a regularly permitted facility for a non-routine activity, such as destruction of a building, it may do so under the authority of its air general permit. In either case, the resultant facility shall not be a Title V source.

(d) General Procedures:

1. Eligibility Determination. The owner or operator of the facility or emissions unit shall determine its eligibility for an air general permit pursuant to the applicability criteria of paragraph 62-210.300(4)(b) or (c), F.A.C.

a. Unless otherwise specified in paragraph 62-210.300(4)(b) or (c), F.A.C., the owner or operator of any facility or emissions unit that is eligible and has submitted notification to use an air general permit pursuant to paragraph 62-210.300(4)(b) or (c), F.A.C., and who operates the facility or emissions unit in compliance with the terms and conditions of the air general permit shall not be required to obtain an air construction permit pursuant to subsection 62-210.300(1), F.A.C. In addition, such owner or operator shall not be required to obtain a regular air operation permit pursuant to subsection 62-210.300(2), F.A.C.

b. If a facility or emissions unit permitted by an air general permit under this rule at any time becomes ineligible for the use of the air general permit, or if any facility or emissions unit utilizing an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under subsection 62-210.300(1) or (2), F.A.C.

c. For each facility or emissions unit intending to operate under the provisions of an air general permit, the owner or operator must complete and submit the correct notification form for the specific general permit to be utilized, as set forth in paragraph 62-210.300(4)(b) through (c), F.A.C., to give notice to the Department of intent to use one of the air general permits listed in this rule.

~~2. Processing Fee. The notification must be accompanied by the appropriate general permit processing fee pursuant to Rule 62-4.050, F.A.C.~~

~~3. Administrative Corrections. Within thirty (30) days of any changes requiring corrections to information contained in the notification form, the owner or operator shall notify the Department in writing. Such changes shall include:~~

~~a. Any change in the name of the authorized representative or facility address or phone number; or~~

~~b. Any other similar minor administrative change at the facility or emissions unit.~~

~~4. Equipment Changes. In case of the installation of new process equipment, alteration of existing process equipment without replacement, or the replacement of existing process equipment with equipment substantially different than that noted on the most recent notification form, the owner or operator shall submit a new and complete general permit notification form with the appropriate fee pursuant to Rule 62-4.050, F.A.C., to the Department.~~

~~5. Violation of Permit. The air general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity is a violation of the permit. The owner or operator is placed on notice that violation of the permit constitutes grounds for revocation and suspension pursuant to Rule 62-4.100 and subsection 62-4.530(4), F.A.C., and initiation of enforcement action pursuant to Sections 403.141 through 403.161, F.S. No revocation shall become effective except after notice is served by personal service, certified mail, or newspaper notice pursuant to Section 120.60(5), F.S., upon the person or persons named therein and a hearing held, if requested within the time specified in the notice. The notice shall specify the provision of the law or rule alleged to be violated, or the permit condition or Department order alleged to be violated, and the facts alleged to constitute a violation thereof.~~

~~6. Nullification of Eligibility. Eligibility for use of an air general permit under subsection 62-210.300(4), F.A.C. is nullified by submission of false or inaccurate information in the notification form for use of the air general permit or in the required reports.~~

~~7. Use of Permit. Any facility or emissions unit eligible to operate under the terms of an air general permit may use the permit thirty (30) days after giving notice to the Department without any agency action.~~

~~(e) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this rule are "general permit conditions" and are binding upon the owner or operator of any facility or emissions unit utilizing an air general permit pursuant to this rule.~~

~~1. A permittee's use of a general permit is limited to five (5) years. No later than thirty (30) days prior to the fifth anniversary of the filing of intent to use the general permit, the~~

~~owner or operator shall submit a new notice of intent which shall contain all current information regarding the facility or emissions unit. Eligibility to use the general permit is not transferable and does not follow a change in ownership of the facility or emissions unit. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The owner shall remain liable for corrective actions that may be required as a result of any violations occurring in the time after the sale or legal transfer of the facility or emissions unit, but before a new owner is entitled to use an air general permit.~~

~~2. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit.~~

~~3. The general permit does not convey any vested rights or any exclusive privileges, nor does it authorize any injury to public or private property nor any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.~~

~~4. The general permit does not relieve the owner or operator of the facility or emissions unit from liability and penalties when the construction or operation of the permitted activity causes harm or injury to human health or welfare; causes harm or injury to animal, plant or aquatic life; or causes harm or injury to property. It does not allow the owner or operator to cause pollution in contravention of Florida law.~~

~~5. The general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.~~

~~6. The owner or operator shall make every reasonable effort to conduct the specific activity authorized by the general permit in a manner that will minimize any adverse effects on adjacent property or on public use of the adjacent property, where applicable, and on the environment, including fish, wildlife, natural resources, water quality, or air quality.~~

~~7. The owner or operator shall allow a duly authorized representative of the Department access to the permitted facility, emissions unit, or activity at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the general permit and Department rules.~~

~~8. The owner or operator shall maintain any permitted facility, emissions unit, or activity in good condition. Throughout the term of the air general permit, the owner or operator shall ensure that the facility or emissions unit maintains its eligibility to use the air general permit and complies with all terms and conditions of the air general permit.~~

~~9. The air general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule. The general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., if the Secretary~~

determines that there has been a violation of any of the terms or conditions of the permit, there has been a violation of state water quality standards or state air quality standards, or the permittee has submitted false, incomplete or inaccurate data or information.

~~10. The air general permit does not authorize any demolition or renovation of the facility or emissions unit or its parts or components which involves asbestos removal. The air general permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., and 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference in Rule 62-204.800, F.A.C.~~

~~11. The general permit does not authorize any open burning.~~

~~12. No person shall circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.~~

~~13. If, for any reason, the owner or operator of any facility or emissions unit operating under an air general permit pursuant to paragraph 62-210.300(4)(a), F.A.C., does not comply with or will be unable to comply with any condition or limitation of the permit, the permittee shall immediately provide the Department with the following information:~~

~~a. A description of and cause of noncompliance; and~~

~~b. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance. The permittee shall be responsible for any and all damages which may result.~~

~~14. The general permit does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the permittee to violate any more stringent standards established by federal or local law.~~

~~15. Each facility located within the borders of any of the following counties shall also comply with the requirements of that county:~~

~~a. Broward County.~~

~~b. Dade County.~~

~~c. Duval County.~~

~~d. Hillsborough County.~~

~~e. Orange County.~~

~~f. Palm Beach County.~~

~~g. Pinellas County.~~

~~h. Sarasota County.~~

~~(5) through (7) No change.~~

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, _____.

62-210.310 Air General Permits.

(1) Air General Permits Established.

(a) The Department has established air general permits for various types of facilities at subsections 62-210.310(4) and (5), F.A.C.

1. The air general permits provided at subsection 62-210.310(4), F.A.C., are available to specific types of facilities that elect to comply with process limitations to escape being classified as Title V sources. A facility using one (1) of the air general permits at subsection 62-210.310(4), F.A.C., shall not be entitled to use more than one (1) such air general permit for any single facility.

2. The air general permits provided at subsection 62-210.310(5), F.A.C., are available to specific types of facilities that are subject to applicable requirements under other state or federal rules. A facility must comply with such applicable requirements, whether it elects to use an air general permit under this subsection, or obtain an air construction or air operation permit. A facility using one (1) of the air general permits at subsection 62-210.310(5), F.A.C., shall not be entitled to use more than one (1) such air general permit for any single facility, except where all air general permits used at the facility specifically allow the use of one another at the same facility.

(b) The owner or operator of a proposed new or existing facility who registers to use an air general permit in accordance with the procedures of this rule, and who is not denied use of the air general permit by the Department, is authorized to construct or operate the facility in accordance with the terms and conditions of the specific rule subsection which constitutes the air general permit for the type of facility involved.

(2) General Procedures. This subsection sets forth general procedures for use of any of the air general permits provided at subsections 62-210.310(4) and (5), F.A.C.

(a) Determination of Eligibility. The owner or operator of a proposed new or existing facility shall determine the facility's eligibility to use an air general permit under this rule. A facility is eligible to use an air general permit under this rule if it meets any specific eligibility criteria given in the applicable air general permit at subsection 62-210.310(4) or (5), F.A.C., and the following general criteria.

1. The facility shall not emit nor have the potential to emit ten (10) tons per year or more of any hazardous air pollutant, twenty-five (25) tons per year or more of any combination of hazardous air pollutants, or one hundred (100) tons per year or more of any other regulated air pollutant; be collocated with, or relocated to, such a facility; or create such a facility in combination with any other collocated facilities, emissions units, or pollutant-emitting activities, including any such facility, emissions unit, or activity that is otherwise exempt from air permitting.

2. The facility shall not contain any emissions units or activities not covered by the applicable air general permit, except:

a. Units and activities that are exempt from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.; and

b. Units and activities that are authorized by another air general permit where such other air general permit and the air general permit of interest specifically allow the use of one another at the same facility.

(b) Registration. The owner or operator who intends to construct or operate an eligible facility under the authority of an air general permit shall complete and submit the proper registration form to the Department for the specific air general permit to be used, as provided in subsection 62-210.310(4) or (5), F.A.C. The registration form shall be accompanied by the appropriate air general permit processing fee pursuant to Rule 62-4.050, F.A.C.

1. Initial Registration. Registration of a facility which is not currently authorized to construct or operate under the terms and conditions of an air general permit is classified as an initial registration. Any existing, individual air operation permit(s) authorizing operation of the facility must be surrendered by the owner or operator, effective upon the first day of use of the air general permit.

2. Re-registration. Registration of a facility which is currently authorized to operate under the terms and conditions of an air general permit is classified as a re-registration. An owner or operator shall re-register the facility in the following cases:

a. Impending expiration of the term for air general permit use;

b. Change of ownership of all or part of the facility;

c. Proposed new construction, modification, or other equipment change that requires registration pursuant to paragraph 62-210.310(2)(e), F.A.C.; and

d. Any other change not considered an administrative correction under paragraph 62-210.310(2)(d), F.A.C.

(c) Use of Air General Permit.

1. Unless the Department denies use of the air general permit, the owner or operator of an eligible facility may use the air general permit for such facility thirty (30) days after giving notice to the Department. The first day of the thirty (30) day time frame, day one, is the date the Department receives the proper registration form and processing fee. The last day of the thirty (30) day time frame, day thirty (30), is the date the owner or operator may use the air general permit, provided there is no agency action to deny use of the air general permit.

2. To avoid lapse of authority to operate, an owner or operator intending to use, or continue to use, an air general permit must submit the proper registration form and processing fee at least thirty (30) days prior to expiration of the facility's existing air operation permit or air general permit.

(d) Administrative Corrections. Within thirty (30) days of any minor changes requiring corrections to information contained in the registration form, the owner or operator shall notify the Department in writing. Such changes shall include:

1. Any change in the name, address, or phone number of the facility or authorized representative not associated with a change in ownership or with a physical relocation of the facility or any emissions units or operations comprising the facility; or

2. Any other similar minor administrative change at the facility.

(e) Equipment Changes. The owner or operator shall maintain records of all equipment changes. In the case of installation of new process or air pollution control equipment, alteration of existing process or control equipment without replacement, or replacement of existing process or control equipment with equipment substantially different in terms of capacity, method of operation, material processed, or intended use than that noted on the most recent registration form, the owner or operator shall submit a new and complete air general permit registration form for the facility with the appropriate fee pursuant to Rule 62-4.050, F.A.C. to the Department, provided, however, that any change that would constitute a new major stationary source, major modification, or modification that would be a major modification but for the provisions of paragraph 62-212.400(2)(a), F.A.C., shall require authorization by air construction permit.

(f) Enforcement of Ineligibility. If a facility using an air general permit at any time becomes ineligible for the use of the air general permit, or if any facility using an air general permit is determined to have been initially ineligible for use of the air general permit, it shall be subject to enforcement action for constructing or operating without an air permit under subsection 62-210.300(1) or (2), F.A.C., or Chapter 62-213, F.A.C., as appropriate.

(3) General Conditions. All terms, conditions, requirements, limitations, and restrictions set forth in this subsection are "general permit conditions" and are binding upon the owner or operator of any facility using an air general permit provided at subsection 62-210.310(4) or (5), F.A.C.

(a) The owner or operator's use of an air general permit is limited to five (5) years. Prior to the end of the five (5) year term, the owner or operator who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to subparagraph 62-210.310(2)(b)2., F.A.C. To avoid lapse of authority to operate, the owner or operator must submit the proper registration form and processing fee at least thirty (30) days prior to expiration of the facility's existing air general permit. The air general permit re-registration form shall contain all current information regarding the facility.

(b) Use of an air general permit is not transferable and does not follow a change in ownership of the facility. Prior to any sale, other change of ownership, or permanent shutdown of the facility, the owner or operator is encouraged to notify the Department of the pending action. The new owner or operator who intends to continue using the air general permit for the facility shall re-register with the Department pursuant to subparagraph 62-210.310(2)(b)2., F.A.C.

(c) The air general permit is valid only for the specific type of facility and associated emissions units and pollutant-emitting activities indicated.

(d) The air general permit does not authorize any demolition or renovation of the facility which involves asbestos removal. The air general permit does not constitute a waiver of any of the requirements of Chapter 62-257, F.A.C., or 40 CFR Part 61, Subpart M, National Emission Standard for Asbestos, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(e) The general permit does not authorize any open burning.

(f) The owner or operator shall not circumvent any air pollution control device or allow the emission of air pollutants without the proper operation of all applicable air pollution control devices.

(g) The owner or operator shall maintain the authorized facility in good condition. Throughout the term of air general permit use, the owner or operator shall ensure that the facility maintains its eligibility to use the air general permit and complies with all terms and conditions of the air general permit.

(h) The owner or operator shall allow a duly authorized representative of the Department access to the facility at reasonable times to inspect and test, upon presentation of credentials or other documents as may be required by law, to determine compliance with the air general permit and Department rules.

(i) If, for any reason, the owner or operator of any facility operating under an air general permit does not comply with or will be unable to comply with any condition or limitation of the air general permit, the owner or operator shall immediately provide the Department with the following information:

1. A description of and cause of noncompliance; and

2. The period of noncompliance, including dates and times; or, if not corrected, the anticipated time the noncompliance is expected to continue, and steps being taken to reduce, eliminate, and prevent recurrence of the noncompliance.

(j) Use of an air general permit does not relieve the owner or operator of the facility from liability and penalties when the construction or operation of the authorized facility causes harm or injury to human health or welfare; causes harm or injury to

animal, plant or aquatic life; or causes harm or injury to property. It does not allow the owner or operator to cause pollution in contravention of Florida law.

(k) The air general permit conveys no title to land or water, nor does it constitute state recognition or acknowledgment of title.

(l) The air general permit does not convey any vested rights or exclusive privileges, nor does it authorize any injury to public or private property or any invasion of personal rights. It does not authorize any infringement of federal, state, or local laws or regulations.

(m) Use of the air general permit shall be effective until suspended, revoked, surrendered, expired, or nullified pursuant to this rule and Chapter 120, F.S.

(n) Use of the air general permit does not eliminate the necessity for obtaining any other federal, state or local permits that may be required, or allow the owner or operator to violate any more stringent standards established by federal or local law.

(o) The owner or operator of each facility located within the borders of any of the following counties shall also comply with the applicable requirements of that county:

1. Broward County.
2. Duval County.
3. Hillsborough County.
4. Miami-Dade County
5. Orange County.
6. Palm Beach County.
7. Pinellas County.
8. Sarasota County.

(4) Air General Permits for Facilities Claiming Conditional Exemption from Title V Air Permitting.

(a) Air General Permit for Facilities Comprising Bulk Gasoline Plants.

1. A facility comprising one (1) or more bulk gasoline plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

- a. The facility shall use no other air general permit.
- b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall receive and distribute only petroleum-based lubricants, gasoline, diesel fuel, mineral spirits and kerosene.

b. The total storage capacity for gasoline at the facility shall not exceed 150,000 gallons.

c. The facility shall not exceed a throughput rate (receive and distribute) of 6.0 million gallons of gasoline in any consecutive twelve (12) months.

d. The owner or operator shall maintain records to document the throughput rate of gasoline on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(b) Air General Permit for Facilities Comprising Reciprocating Internal Combustion Engines.

1. A facility comprising one (1) or more reciprocating internal combustion engines shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. Total fuel consumption by all reciprocating internal combustion engines at the facility shall not exceed 20,000 gallons per year of gasoline, 250,000 gallons per year of diesel fuel, 1.15 million gallons per year of propane, 40 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph a., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph a. The sum of the fuel percentages for all fuels burned by the facility shall not exceed 100 percent.

c. The owner or operator shall maintain records to document the fuel consumption, by type, on an annual basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(c) Air General Permit for Facilities Comprising Surface Coating Operations.

1. A facility comprising one (1) or more surface coating operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The total quantity of volatile organic compounds in all coatings used shall not exceed forty-four (44) pounds per day, averaged monthly, where coatings used shall include all solvents and thinners used in the process or for cleanup.

b. The owner or operator shall maintain records to document the VOC content and the quantity of coatings used. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(d) Air General Permit for Facilities Comprising Reinforced Polyester Resin Operations.

1. A facility comprising one or more reinforced polyester resin operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The combined quantity of styrene-containing resin and gelcoat used shall not exceed 76,000 pounds (thirty-eight (38) tons) in any consecutive twelve (12) months.

b. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

c. The owner or operator shall maintain records to document the quantity of resin and gelcoat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(e) Air General Permit for Facilities Comprising Cast Polymer Operations.

1. A facility comprising one (1) or more cast polymer operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The combined quantity of styrene-containing resin and gel coat used shall not exceed 284,000 pounds (142 tons) in any consecutive twelve (12) months.

b. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

c. The owner or operator shall maintain records to document the quantity of resin and gel coat used on a monthly basis. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years.

(f) Air General Permit for Facilities Comprising Printing Operations.

1. A facility comprising one (1) or more printing operations shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and the following specific criteria.

a. The facility shall use no other air general permit.

b. The facility shall not be subject to any unit-specific applicable requirement.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions, provided, however, that the facility shall comply with the limitations of either sub-subparagraphs 62-210.310(4)(f)2.a or b., F.A.C. The facility may change method of compliance between sub-subparagraphs 62-210.310(4)(f)2.a. and b., F.A.C., provided the owner or operator maintains records to demonstrate compliance with the appropriate requirement at the time of change and thereafter.

a. The facility shall not emit eighty (80) tons or more of volatile organic compounds, eight (8) tons or more of any individual hazardous air pollutant, or twenty (20) tons or more of any combination of hazardous air pollutants in any consecutive twelve (12) months. The facility shall not rely upon add-on controls to meet these limitations. The owner or operator shall keep records of material usage and calculate, using a mass balance approach, for each calendar month and each consecutive twelve (12) months, the emissions of volatile organic compounds, individual hazardous air pollutants and total combined hazardous air pollutants. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years; or

b. The facility shall use less than 1,333 gallons of materials containing any hazardous air pollutants and not exceed the following material usage limitations in any consecutive twelve (12) months. The owner or operator shall keep records of material usage for each calendar month and each consecutive twelve (12) months to demonstrate compliance with such limitations. The owner or operator shall retain these records, available for Department inspection, for a period of at least five (5) years. Specifically, the facility shall:

(I) Operate only heatset offset lithographic printing lines and use less than 100,000 pounds of ink, cleaning solvent and fountain solution additives combined;

(II) Operate only non-heatset offset lithographic printing lines and use less than 14,250 gallons of cleaning solvent and fountain solution additives combined;

(III) Operate only digital printing lines and use less than 12,100 gallons of solvent based inks, clean-up solutions and other solvent-containing materials combined;

(IV) Operate only screen or letterpress printing lines and use less than 14,250 gallons of solvent based inks, clean-up solutions and other solvent-containing materials combined;

(V) Operate only water-based or ultraviolet-cured-material flexographic or rotogravure printing lines and use less than 400,000 pounds of water-based inks, coatings and adhesives, combined;

(VI) Operate only solvent-based material flexographic or rotogravure printing lines and use less than 100,000 pounds of inks, dilution solvents, coatings, cleaning solutions and adhesives, combined; or

(VII) Operate any combination of heatset lithographic, non-heatset lithographic, digital, screen or letterpress, rotogravure or flexographic printing lines and use no more than the most stringent of the material usage limitations contained in sub-sub-subparagraphs 62-210.310(4)(f)2.b.(I) through (VI), F.A.C., for the type of printing lines at the facility. For purposes of determining which limit is the most stringent, the pounds of materials used for heatset offset lithographic lines and flexographic lines shall be converted to the equivalent gallons by dividing by 8.5 pounds per gallon and shall be compared with the limits for non-heatset offset lithographic, digital, screen and letterpress lines, as applicable, for the type of printing lines at the facility. The most stringent limit shall apply to the total of all solvent-containing material used.

c. The facility shall comply with the objectionable odor prohibition of subsection 62-296.320(2), F.A.C.

(5) Air General Permits for Miscellaneous Facilities.

(a) Air General Permit for Facilities Comprising Volume Reduction, Mercury Recovery, and Mercury Reclamation Processes.

1. For purposes of this air general permit, the terms "volume reduction process," "mercury recovery process," and "mercury reclamation process" have the meanings given at Rule 62-296.417, F.A.C.

2. A facility comprising one (1) or more volume reduction, mercury recovery, and mercury reclamation processes shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and all applicable provisions of Rule 62-296.417, F.A.C.

(b) Air General Permit for Facilities Comprising Concrete Batching Plants.

1. For purposes of this air general permit, the term "concrete batching plant" shall have the meaning given at Rule 62-296.414, F.A.C., and the term "site" shall mean one or more contiguous or adjacent properties under control of the same person (or persons under common control).

2. A facility comprising one (1) or more stationary or relocatable concrete batching plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of rule 62-296.414, F.A.C.

b. The owner or operator of any equipment used to mix cement and soil for onsite soil augmentation or stabilization shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than five (5) business days following relocation. The owner or operator of any other relocatable concrete batching plant proposing to change location shall transmit a Facility Relocation Notification Form to the Department at least five (5) business days prior to relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the concrete batching plant air general permit, and with facilities using the nonmetallic mineral processing plant air general permit at paragraph 62-210.310(5)(e), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site does not contain any emissions units and pollutant-emitting activities other than concrete batching plants using air general permits, nonmetallic mineral processing plants using air general permits, and nonmetallic mineral processing plants or other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The total fuel consumption by all emissions units at the collocation site shall not exceed 275,000 gallons of diesel fuel, 23,000 gallons per year of gasoline, 44 million standard cubic feet per year of natural gas, or 1.3 million gallons per year of propane, or an equivalent prorated amount if multiple fuels are used.

c. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph b., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph b. The sum of the fuel percentages for all fuels burned by the facility shall not exceed one hundred percent (100%).

d. The owners or operators of all collocated concrete batching plants and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. Under the authority of this air general permit, a relocatable concrete batching plant may perform a non-routine task, such as making concrete for a construction project, at a facility with authorization by individual air construction or non-Title V air operation permit, without revision to the facility's individual air permit. Any such concrete batching plant shall remain at the individually permitted facility for no more than six (6) months from the day it relocates to such facility. The owner or operator of such concrete batching plant shall keep records to indicate how long the plant has been at the permitted facility.

(c) Air General Permit for Facilities Comprising Human Crematories.

1. A facility comprising one (1) or more human crematories shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of subsection 62-296.401(5), F.A.C.

b. The owner or operator may use a human crematory air general permit and an animal crematory air general permit at the same facility, provided all human crematory units operate under a single human crematory air general permit and all animal crematory units operate under a single animal crematory air general permit.

(d) Air General Permit for Facilities Comprising Animal Crematories.

1. A facility comprising one (1) or more animal crematories shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C., and no animal crematory unit at the facility exceeds a design capacity of 500 pounds per hour cremated.

2. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The facility shall comply with all applicable provisions of subsection 62-296.401(6), F.A.C.

b. The owner or operator may use an animal crematory air general permit and a human crematory air general permit at the same facility, provided all animal crematory units operate under a single animal crematory air general permit and all human crematory units operate under a single human crematory air general permit.

(e) Air General Permit for Facilities Comprising Nonmetallic Mineral Processing Plants (Crushing Operations).

1. For purposes of this air general permit, the definitions at 40 CFR Part 60, Subpart OOO, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall apply, and the term "site" shall mean one or more contiguous or adjacent

properties under control of the same person (or persons under common control). A facility need not be subject to 40 CFR Part 60, Subpart OOO, to be eligible for use of this air general permit. If a facility using this air general permit later becomes subject to 40 CFR Part 60, Subpart OOO, the owner or operator shall re-register with the Department.

2. A stationary or relocatable facility comprising one (1) or more nonmetallic mineral processing plants shall be eligible to use this air general permit provided it meets the general eligibility criteria of paragraph 62-210.310(2)(a), F.A.C.

3. A facility using this air general permit shall comply with the general conditions given at subsection 62-210.310(3), F.A.C., and the following specific conditions.

a. The total fuel consumption by the facility shall not exceed 23,000 gallons per year of gasoline, 275,000 gallons per year of diesel fuel, 1.3 million gallons per year of propane, 44 million standard cubic feet per year of natural gas, or an equivalent prorated amount if multiple fuels are used.

b. If multiple fuels are used, the equivalent prorated amount of each fuel burned shall not exceed the total amount of such fuel allowed to be burned, as given in sub-subparagraph b., multiplied by a fuel percentage. The fuel percentage is the percentage ratio of the amount of the fuel burned at the facility to the total amount of such fuel allowed to be burned at the facility pursuant to sub-subparagraph b. The sum of the fuel percentages for all fuels burned by the facility shall not exceed 100 percent.

c. Pursuant to Rule 62-296.320, F.A.C., the following reasonable precautions shall be employed to control unconfined emissions of particulate matter.

(I) Unconfined emissions from all relocatable nonmetallic mineral processing plants, except those located at mines or quarries and processing only material from onsite natural deposits, and all stationary nonmetallic mineral processing plants that process dry material shall be controlled by using a water suppression system with spray bars located wherever unconfined emissions occur at the feeder(s), the entrance and exit of the crusher(s), the classifier screens, and the conveyor drop points.

(II) Unconfined emissions generated by vehicular traffic or wind shall be controlled by applying water (by water trucks equipped with spray bars) or effective dust suppressant(s) on a regular basis to all stockpiles, roadways and work yards where the nonmetallic mineral processing plant is located.

d. Visible emissions from any crusher, grinding mill, screening operation, bucket elevator, transfer point on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station, or any other affected emission point at a nonmetallic mineral processing plant not subject to 40 CFR Part 60, Subpart OOO, shall be less than twenty percent (20%) opacity, pursuant to Rule 62-296.320, F.A.C.

e. Nonmetallic mineral processing plants subject to 40 CFR Part 60, Subpart OOO, shall comply with all applicable standards, limitations, and requirements of Subpart OOO. Such facilities shall conduct initial performance tests for particulate matter and visible emissions in accordance with all requirements of Subpart OOO and 40 CFR Part 60, Subpart A, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Thereafter, such facilities shall conduct performance tests for visible emissions annually pursuant to Rule 62-297.310, F.A.C. The annual visible emissions performance tests shall be conducted in accordance with the test methods and procedures set forth at Subpart OOO. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

f. The owner or operator of any relocatable nonmetallic mineral processing plant proposing to change location shall notify the Department by telephone, e-mail, fax, or written communication at least one (1) business day prior to changing location and transmit (by e-mail, fax, post, or courier) a Facility Relocation Notification Form (DEP Form No. 62-210.900(6)) to the Department no later than five (5) business days following relocation.

4. A facility using this air general permit may collocate with other facilities that separately registered for, and are also using, the nonmetallic mineral processing plant air general permit, and with facilities using the concrete batching plant air general permit at paragraph 62-210.310(5)(b), F.A.C., even if under the control of different persons, provided the following conditions are met.

a. The collocation site shall not contain any emissions units and pollutant-emitting activities other than concrete batching plants using air general permits, nonmetallic mineral processing plants using air general permits, and nonmetallic mineral processing plants or other emissions units and pollutant-emitting activities exempted from permitting pursuant to subsection 62-210.300(3), F.A.C., or Rule 62-4.040, F.A.C.

b. The fuel usage limitations of sub-subparagraphs 62-210.310(5)(e)3.b. and c., F.A.C., shall apply to the collocation site. The owners or operators of all collocated concrete batching plants and nonmetallic mineral processing plants shall maintain records to account for site-wide fuel consumption for each calendar month and each consecutive twelve (12) months. The owners or operators shall retain these records, available for Department inspection, for a period of at least five (5) years.

5. Under the authority of this air general permit, a relocatable nonmetallic mineral processing plant may perform a non-routine task, such as crushing concrete for a demolition project, at a facility with authorization by individual air construction or non-Title V air operation permit, without revision to the facility's individual air permit. Any such nonmetallic mineral processing plant shall not be deployed at a

single site for more than six (6) months in any consecutive twelve (12) months. The owner or operator of such nonmetallic mineral processing plant shall keep records to indicate how long the plant has been at the permitted facility. No nonmetallic mineral processing plant using this air general permit shall perform a task routinely done at the individually permitted facility, such as crushing recycled asphalt pavement (rap) at an asphalt plant, unless operation of the nonmetallic mineral processing plant is authorized by the air construction permit or non-Title V air operation permit, as applicable, for the permitted facility.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New _____.

62-210.920 Registration Notification Forms for Air General Permits.

The registration notification forms used by the Department for use of air general permits provided at Rule 62-210.310, F.A.C., issued pursuant to the procedures of subsection 62-210.300(4), F.A.C., are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of the forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400.

(1) Air General Permit Registration Forms for Facilities Claiming Conditional Exemption from Title V Air Permitting Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Notification Form (Effective 6-21-04).

(a)(2) Bulk Gasoline Plant Air General Permit Registration Notification Form (Effective 6-21-04).

(b)(3) Reciprocating Heating Units and General Purpose Internal Combustion Engines Air General Permit Registration Notification Form (Effective 6-21-04).

(c)(4) Surface Coating Operations Air General Permit Registration Notification Form (Effective 6-21-04).

(d)(5) Reinforced Polyester Resin Operations Plastic Products Fabrication Air General Permit Registration Notification Form (Effective 6-21-04).

(e)(6) Cast Polymer Operations Air General Permit Registration Notification Form (Effective 6-21-04).

(f) Printing Operations Air General Permit Registration Form (Effective _____).

(2) Air General Permit Registration Forms for Miscellaneous Facilities.

(a) Volume Reduction, Mercury Recovery or Mercury Reclamation Air General Permit Registration Form (Effective _____).

(b)(7) Concrete Batching Plant Air General Permit Registration Notification Form (Effective 6-21-04).

(c)(8) Human Crematory Air General Permit Registration Notification Form (Effective 6-21-04).

(d)(9) Animal Crematory Air General Permit Registration Notification Form (Effective 6-21-04).

(e)(10) Nonmetallic Mineral Processing Plant Air General Permit Registration Notification Form (Effective 6-21-04).

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—New 10-16-95, Amended 1-2-96, 3-21-96, 5-13-96, 8-15-96, 11-13-97, 5-25-98, 2-11-99, 6-21-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2006

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:

RULE TITLES:

62-296.401

Incinerators

62-296.414

Concrete Batching Plants

PURPOSE AND EFFECT: The proposed rule amendments allow the use of EPA testing procedures to determine opacity for small incinerators, crematories, and air curtain incinerators; revise operator training requirements for biowaste incinerators and crematories; eliminate "identical source testing" requirement for all crematories; add equipment maintenance provisions and requirement for opacity feedback control on new crematories; and clarify applicability of concrete batching plant rule to soil cement operations.

SUMMARY: The proposed rule amendments revise and update air regulatory requirements for biological waste incineration operations, crematories, air curtain incinerators, and concrete batching plants.

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 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087 FS.

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

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

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 100 South Magnolia Drive, Suite 23, Directors Conference Room, 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: Ms. Lynn Scarce at Florida Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, MS 5500, Tallahassee, Florida 32399-2400, or lynn.scarce@dep.state.fl.us, phone (850)921-9551. 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: John Glunn, john.glunn@dep.state.fl.us, phone (850)921-9548

THE FULL TEXT OF THE PROPOSED RULES IS:

62-296.401 Incinerators.

(1) Small Incinerators. Any incinerator, other than a biological waste incinerator, human or animal crematory, or air curtain incinerator, with a charging rate of less than fifty (50) tons per day shall comply with the following requirements.

(a) Emission Limiting Standards. No visible emissions shall not exceed five percent (5%) opacity except that visible emissions not exceeding fifteen (15%) ~~twenty (20%)~~ percent opacity are allowed for up to six (6) ~~three (3)~~ minutes in any one (1) hour period.

~~(b) No objectionable odor allowed.~~

~~(b)(e)~~ Test Methods and Procedures. All emission tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements.

1. The reference test method for visible emissions shall be EPA DEP Method 9, as described at 40 CFR, Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

2. Test procedures shall conform to the procedures specified in Rule meet all applicable requirements of Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(c) Frequency of Testing. The owner or operator of an incinerator subject to this subsection shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

(2) through (3) No change.

(4) Biological Waste Incinerators ~~Incineration Facilities~~.

(a) Applicability. The following requirements of this subsection apply to all biological waste incinerator units ~~incineration facilities~~.

1. Any biological waste incinerator unit that is also regulated as a hospital/medical/infectious waste incinerator under 40 CFR Part 60, Subpart Ec or Ce, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be constructed and operated so as to comply with all standards, limitations, and requirements of the applicable Subpart, and with the requirements of paragraphs 62-296.401(4)(b)-(f), F.A.C., to the extent that such requirements are stricter than, or supplemental to, the requirements of the applicable Subpart.

2. Any biological waste incinerator unit that is not regulated as a hospital/medical/infectious waste incinerator under 40 CFR Part 60, Subpart Ec or Ce, shall be constructed and operated so as to comply with all requirements of paragraphs 62-296.401(4)(b)-(f), F.A.C.

3. This subsection ~~rule~~ does not apply to human or animal crematories facilities licensed under the provisions of Chapter 470, F.S., which cremate human remains for which a Department of Health death certificate has been issued or fetal remains in circumstances when a fetal death certificate is not issued under Chapter 382, F.S. This rule also does not apply to animal crematories as defined in Rule 62-210.200, F.A.C.

(b) Emission Limiting Standards.

1. For any biological waste incinerator unit with a capacity less than fifty (50) tons per day, visible emissions shall not exceed five percent (5%) opacity, six (6) minute average, except that visible emissions not exceeding fifteen percent (15%) opacity shall be allowed for up to six (6) minutes in any one (1) hour period.

2. ~~(a)~~ For any unit Facilities with a capacity equal to or less than 500 pounds per hour:-

1. through 2. renumbered a. through b. No change.

3. ~~(b)~~ For any unit Facilities with a capacity greater than 500 pounds per hour, but less than or equal to 2,000 pounds per hour:-

1. through 2. renumbered a. through b. No change.

4. ~~(e)~~ For any unit Facilities with a capacity greater than 2000 pounds per hour:-

a. ~~1.~~ No change.

b. ~~2.~~ Hydrochloric acid (HCl) emissions shall not exceed fifty (50) parts per million by volume, dry basis, corrected to seven percent (7%) O₂ on a three (3) hour average basis. ~~or~~ As an alternative to this HCl limit, the HCl emissions produced by the unit shall be reduced, by its air pollution control equipment, by at least ninety (90%) by weight on an hourly average basis.

5. For any unit, carbon monoxide emissions (CO) shall not exceed 100 parts per million by volume, dry basis, corrected to 7% O₂ on an hourly average basis.

(c)(4) Design and Operating Requirements. All biological waste incineration units, shall be constructed and operated so as to comply with facilities unless otherwise noted are subject to the following design, operating, monitoring and operator training requirements.

1. ~~The unit Any incinerator subject to subsection 62-296.401(4), F.A.C., shall operate with a combustion zone design temperature of no less than 1800 degrees Fahrenheit for at least a 1.0 second gas residence time in the secondary (or last) combustion chamber. The pPrimary chamber and stack volumes shall not be utilized in calculating this residence time.~~

2. Mechanically fed units facilities shall incorporate an air lock system to prevent opening the incinerator to the room environment. The volume of the loading system shall be designed to prevent overcharging, thereby assuring complete combustion of the waste.

~~3. Carbon monoxide (CO) emissions shall not exceed 100 parts per million by volume, dry basis, corrected to seven percent (7%) O₂ on an hourly average basis.~~

~~3.4. No change.~~

~~4.5. The owner or operator is advised to contact the Department of Health regarding requirements that may apply to any proposed burning of rRadioactive waste may not be burned in an incinerator subject to this rule unless the incinerator has been issued a Department of Health and Rehabilitative Services (DHRS) license to incinerate radioactive waste or the waste is of such quantity to be exempt in accordance with DHRS Rule 10D-91 or 10D-104.003, F.A.C.~~

~~5.6. The owner or operator is advised to contact the Department's Division of Waste Management regarding requirements that may apply to any proposed burning of hHazardous waste may not be burned in an incinerator subject to this rule unless the incinerator has been issued a hazardous waste permit by the Department or the waste is of such quantity to be exempt in accordance with Chapter 62-730, F.A.C.~~

~~6.7. Each Any operator of the unit shall successfully complete a training program meeting the requirements of 40 CFR 60.53c(c) and the annual refresher training course requirements of 40 CFR 60.53c(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C., an incinerator subject to subsection 62-296.401(4), F.A.C., shall be trained by the equipment manufacturer's representative or an equivalent organization using a state approved training program~~

~~a. The content of the training program shall be submitted to the Department for approval. Construction permit applicants shall submit a training program, or reference a previously submitted training program, with the construction permit application. The training shall provide a basic understanding of the principles of the combustion process, provide instruction on proper operating practices and procedures, and increase awareness of regulation requirements and safety concerns.~~

~~Training programs shall be minimum of sixteen (16) hours of instruction. The Department shall approve training programs which meet, at a minimum, the criteria set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook EPA 453/B-93-018 and Instructor's Guide EPA 453/B-93-019.~~

~~b. A copy of the training certificate for each operator having satisfactorily completed the Department approved training program must be submitted to the Department within fifteen (15) days of training. If the incinerator is modified to the extent that a Department construction permit is required, the operators shall be retrained to operate the modified incinerator. Owners of new and modified incinerators shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test.~~

~~e. An operator's training certificate must be kept on file at the facility for the duration of the operator's employment and for an additional two (2) years after termination of employment. The owner shall not allow the incinerator to be operated unless it is operated by an operator who has satisfactorily completed the required training program.~~

~~(d)(e) Test Methods and Procedures.~~ All emissions tests performed pursuant to the requirements of this ~~subsection rule~~ shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. The reference test method for visible emissions shall be EPA DEP Method 9, incorporated in Chapter 62-297, F.A.C.

2. The reference test method for carbon monoxide shall be EPA Method 10, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

3. The reference test method for oxygen shall be EPA Method 3 or 3A, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

4. The reference test method for particulate emissions shall be EPA Method 5 or 26A, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~ The minimum sample volume shall be thirty (30) dry standard cubic feet.

5. The reference test method for hydrochloric acid shall be EPA Method 26 or 26A, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

6. Test procedures shall conform to the procedures specified in meet all applicable requirements of Rule Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

~~(e)(f) Frequency of Testing.~~

1. The owner or operator of any biological waste incineration unit Facilities with a capacity equal to or less than 500 pounds per hour shall ~~demonstrate compliance as follows.~~

a. Have a performance test conducted for New and existing facilities shall demonstrate individual emissions unit compliance with the visible emissions prior to submitting the application for an initial air operation permit, standard upon initial compliance and annually thereafter.

b. Have performance tests conducted for particulate matter and hydrochloric acid prior to submitting the application for an initial or renewal air ~~New and existing facilities shall demonstrate individual emissions unit compliance with the remaining applicable standards upon initial compliance and prior to renewing the operation permit.~~

2. The owner or operator of any biological waste incineration unit ~~New and existing facilities with a capacity greater than 500 pounds per hour shall:~~

a. Have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

b. Have performance tests conducted for particulate matter and hydrochloric acid prior to submitting the application for an initial air operation permit, ~~demonstrate individual source compliance with the applicable standards upon initial compliance and annually thereafter.~~

~~(f)(g)~~ Continuous Emissions Monitoring Requirements. Each owner or operator of a biological waste incinerator unit ~~incineration facility~~ shall install, operate, and maintain, in accordance with the manufacturer's instructions, continuous emission monitoring equipment.

1. The monitors shall record the following operating parameters:-

a. through b. No change.

2. The owner or operator shall maintain a ~~A~~ complete file of all measurements, including continuous emissions monitoring system, monitoring device, and performance testing measurements; all continuous emissions monitoring system performance evaluations; all continuous emissions monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required, ~~shall be~~ recorded in a permanent legible form available for inspection. The file shall be retained for at least two (2) years following the date of such measurements, maintenance, reports and records.

(5) Human Crematories.

(a) Applicability. ~~The following~~ requirements of this subsection apply to all human crematory units facilities.

(b) Emission Limiting Standards.

1. Visible emissions shall not exceed 5% opacity, six-minute average, except that visible emissions not exceeding 15% opacity shall be allowed for up to six minutes in any one-hour period.

(a) through (b) renumbered 2. through 3. No change.

(c) Operating Temperatures.

1. The owner or operator of any proposed new c ~~rematory~~ units for which submits either a complete application for a permit to construct the a new unit or an initial air general permit registration for the new unit to was received by the Department on or after August 30, 1989, shall provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees Fahrenheit. This information shall be provided to the Department with the air construction permit application or air general permit registration form for the proposed new unit. The actual operating temperature of the secondary chamber combustion zone shall be no less than 1600 degrees Fahrenheit throughout the combustion process in the primary chamber. The p ~~Primary~~ chamber and stack volumes shall not be used in calculating this residence time. Except as provided in subparagraph 62-296.401(5)(c)2., F.A.C., c ~~remation~~ in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1600 degrees Fahrenheit.

~~2.(d)~~ The owner or operator of any c ~~rematory~~ units for which construction began or for which a complete application for a permit to construct ~~a new unit~~ was received by the Department prior to August 30, 1989, shall ~~provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1600 degrees Fahrenheit.~~ maintain the actual operating temperature of the secondary chamber combustion zone at shall ~~be~~ no less than 1400 degrees Fahrenheit throughout the combustion process in the primary chamber. ~~Primary chamber and stack shall not be used in calculating this residence time.~~ Cremation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1400 degrees Fahrenheit.

~~(d)(e)~~ Allowed Materials. Human crematory ~~ies~~ units shall cremate only ~~dead human or fetal remains bodies~~ with appropriate containers. The remains bodies may be clothed. The containers shall may contain no more than 0.5 percent by weight chlorinated plastics as demonstrated by the manufacturer's data sheet. If containers are incinerated, documentation from the manufacturers certifying that they are composed of 0.5 percent or less by weight chlorinated plastics shall must be kept on-file at the site for the duration of their use and for at least two (2) years after their use. ~~This documentation must also be submitted with any application for an initial or renewal air operation permit or air general permit notification form.~~ No other material, including biomedical waste as defined in Rule 62-210.200, F.A.C., shall be incinerated.

~~(e)(f)~~ Operator Training. All crematory unit operators shall successfully complete a training program administered be ~~trained~~ by the equipment manufacturer's representatives or a

~~professional training another qualified organization. Only trained operators trained by a Department approved training program shall be allowed to operate a human crematory unit.~~

1. The content of the training program shall be submitted to the Department for approval through the permitting process. ~~Construction permit applicants shall submit a training program or reference a previously approved training program with the construction permit application. The training shall provide a basic understanding of the principles of the combustion process, provide instruction on the operation and maintenance of the specific make and model of crematory unit to be operated, and increase awareness of the regulatory requirements of this subsection and safety concerns. Training programs shall be a minimum of eight (8) hours of instruction. Training programs shall at a minimum include hands-on experience involving start-up, operation of at least one (1) cremation, shut-down of the equipment, and one (1) full cycle of preventive maintenance actions. The Department shall approve training programs which meet, at a minimum the criteria applicable to cremation set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook, EPA 453/B-93-018, and Instructor's Guide, EPA 453/B-93-019.~~

2. A copy of the training certificate for each operator having satisfactorily completed the ~~Department approved training program shall be kept on file at the facility for the duration of the operator's employment and for an additional two years after termination of employment must be submitted to the Department within fifteen (15) days of training. The owner of any new or modified crematory unit shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test pursuant to the unit's air construction permit. If a crematory unit is modified to the extent that a Department air construction permit is required, the operators shall be retrained to operate the modified unit.~~

3. An operator's certificate must be kept on file at the facility for the duration of the operator's employment and for an additional two years after termination of employment.

(f) Equipment Maintenance. All human crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment. If a crematory unit contains a defect that affects the integrity or efficiency of the unit, the unit shall be taken out of service. No person shall use or permit the use of that unit until it has been repaired or adjusted. Repair records on all crematory units shall be maintained onsite for at least two years. A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events. Each unit's burners shall be operated with a proper air-to-fuel ratio, and the

burners' flame characteristics shall be visually checked at least once during each operating shift. Each unit's burners shall be adjusted when warranted by the visual checks.

(g) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. ~~The reference test method for visible emissions shall be EPA DEP Method 9, incorporated in Chapter 62-297, F.A.C.~~

2. ~~The reference test method for carbon monoxide shall be EPA Method 10, incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

3. ~~The reference test method for oxygen shall be EPA Method 3, incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

4. ~~The reference test method for particulate matter emissions shall be EPA Method 5, incorporated and adopted by reference in Chapter 62-297, F.A.C. The minimum sample volume shall be thirty (30) dry standard cubic feet.~~

5. ~~Test procedures shall conform to the procedures specified in meet all applicable requirements of Rule Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.~~

(h) Operation During Emissions Compliance Test. Testing of emissions shall be conducted with the unit source operating at a the manufacturer's recommended capacity of one (1) adult-sized cadaver.

(i) Frequency of Testing.

1. The owner or operator of any human crematory unit using an air general permit shall have a performance test conducted for visible emissions no later than thirty (30) days after the unit commences operation, and annually thereafter. New and existing facilities shall demonstrate individual source compliance with the visible emissions standard upon initial compliance and annually thereafter. Facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to the submittal date of the air general permit notification form and within sixty (60) days prior to each anniversary of such date.

2. The owner or operator of any human crematory unit operating under the authority of an air construction permit or air operation permit shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

~~3.2 The owner or operator of any human crematory unit shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(b), F.A.C. New and existing facilities shall demonstrate individual source compliance with the~~

remaining applicable standards upon initial compliance and prior to renewing the operation permit or, if the facility is permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, within sixty (60) days prior to the submittal date of the air general permit notification form.

(j) ~~Compliance Demonstration.~~ Facilities may demonstrate compliance with the carbon monoxide and particulate emissions standards by submission of a test report for an identical (same make, model, and capacity) crematory unit operating in compliance with a valid Department air permit and tested pursuant to that permit. The test data in the test report must be less than five (5) years old and may or may not be obtained from the unit that is being permitted.

(i) ~~Continuous Emissions Monitoring Requirements.~~ Each crematory ~~unit facility~~ shall be equipped and operated with a install, operate, and maintain continuous monitors to record temperature at the point or beyond where 1.0 second gas residence time is obtained in the secondary chamber combustion zone in accordance with the manufacturer's instructions. In addition, each crematory unit installed after January 1, 2007, shall be equipped and operated with a pollutant monitoring system to automatically control combustion based on continuous in-stack opacity measurement. Such system shall be calibrated to restrict combustion in the primary chamber whenever any opacity exceeding 15% opacity is occurring. A complete file of all temperature measurements; all including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system or monitoring device calibration checks; and all adjustments, preventive maintenance, and corrective maintenance performed on these systems or devices, shall be recorded in a permanent legible form available for inspection. Continuous temperature monitoring documentation shall include operator name, operator indication of when cremation in the primary chamber was begun begins, date, time, and temperature markings. Pollutant monitoring system documentation shall include indication of when the opacity measurement system was cleaned and checked for proper operation in accordance with the manufacturer's recommended maintenance schedule. The file shall be retained for at least two (2) years following the recording of such measurements, maintenance, reports, and records.

(6) Animal Crematories.

(a) Applicability. The ~~following~~ requirements of this subsection apply to all animal crematory ~~units facilities~~.

(b) Emission Limiting Standards.

1. Visible emissions shall not exceed five percent (5%) opacity, six (6) minute average, except that visible emissions not exceeding fifteen percent (15%) opacity shall be allowed for up to six (6) minutes in any one (1) hour period.

(a) through (b) renumbered 2. through 3. No change.

(c) Operating Temperatures.

1. The owner or operator of any proposed new crematory units for which submits either a complete application for a permit to construct the a new unit or an initial air general permit registration for the new unit to was received by the Department on or after August 30, 1989, shall provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1800 degrees Fahrenheit. This information shall be provided to the Department with the air construction permit application or air general permit registration form for the proposed new unit. The actual operating temperature of the secondary chamber combustion zone shall be no less than 1600 degrees Fahrenheit throughout the combustion process in the primary chamber. The pPrimary chamber and stack volumes shall not be used in calculating this residence time. Except as provided in subparagraph 62-296.401(6)(c)2., F.A.C., cremation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1600 degrees Fahrenheit.

2. ~~(d) The owner or operator of any crematory units for which construction began or for which a complete application for a permit to construct a new unit was received by the Department prior to August 30, 1989, shall provide design calculations to confirm a sufficient volume in the secondary chamber combustion zone to provide for at least a 1.0 second gas residence time at 1600 degrees Fahrenheit. The maintain the actual operating temperature of the secondary chamber combustion zone at shall be no less than 1400 degrees Fahrenheit throughout the combustion process in the primary chamber. Primary chamber and stack shall not be used in calculating this residence time.~~ Cremation in the primary chamber shall not begin unless the secondary chamber combustion zone temperature is equal to or greater than 1400 degrees Fahrenheit.

(d) ~~(e) Allowed Materials.~~ Animal crematory ~~ies units~~ shall cremate only ~~dead animals remains~~ and, if applicable, the bedding ~~and the remains~~ associated with the animals and appropriate placed in leak proof containers. Containers shall may contain no more than 0.5 percent by weight chlorinated plastics as demonstrated by the manufacturer's data sheet. ~~Plastic bags used for the cremation of animals shall be nonchlorinated and no less than three (3) mils thick. If containers are incinerated, documentation from the manufacturers certifying that they are composed of 0.5 percent or less by weight chlorinated plastics shall must be kept on-file at the site for the duration of their use and for at least two (2) years after their use. This documentation must also be submitted with any application for an initial or renewal air operation permit or air general permit notification form.~~

(f) Animal crematory ies units shall not cremate dead animals which were used for medical or commercial experimentation. No other material, including biomedical waste as defined in Rule 62-210.200, F.A.C., shall be incinerated.

(e)(g) Operator Training. All crematory unit operators shall successfully complete a training program administered by the equipment manufacturer's representatives or a professional training another qualified organization. Only trained operators trained by a Department approved training program shall be allowed to operate an animal crematory unit.

1. The content of the training program shall ~~be submitted to the Department for approval through the permitting process. Construction permit applicants shall submit a training program or reference a previously approved training program with the construction permit application. The training shall provide a basic understanding of the principles of the combustion process, provide instruction on the operation and maintenance of the specific make and model of crematory unit to be operated, and increase awareness of the regulatory requirements of this subsection and safety concerns.~~ Training programs shall be a minimum of eight (8) hours of instruction. Training programs shall at a minimum include hands-on experience involving start-up, operation of at least one (1) cremation, shut-down of the equipment, and one (1) full cycle of preventive maintenance actions. ~~The Department shall approve training programs which meet, at a minimum the criteria applicable to cremation set forth in the EPA Medical Waste Incinerator Operator Training Program Course Handbook, EPA 453/B-93-018, and Instructor's Guide, EPA 453/B-93-019.~~

2. A copy of the training certificate for each operator having satisfactorily completed the ~~Department approved training program shall be kept on file at the facility for the duration of the operator's employment and for an additional two (2) years after termination of employment must be submitted to the Department within fifteen (15) days of training. The owner of any new or modified crematory unit shall submit copies of the operator training certificates within fifteen (15) days after completion of the initial compliance test pursuant to the unit's air construction permit. If a crematory unit is modified to the extent that a Department air construction permit is required, the operators shall be retrained to operate the modified unit.~~

3. An operator's certificate must be kept on file at the facility for the duration of the operator's employment and for an additional two (2) years after termination of employment.

(f) Equipment Maintenance. All animal crematory units shall be maintained in proper working order in accordance with the manufacturer's specifications to ensure the integrity and efficiency of the equipment. If a crematory unit contains a significant defect, the unit shall be taken out of service. No person shall use or permit the use of that unit until it has been

repaired or adjusted. Repair records on all crematory units shall be maintained onsite for at least two (2) years. A written plan with operating procedures for startup, shutdown and malfunction of each crematory unit shall be maintained and followed during those events. Each unit's burners shall be operated with a proper air-to-fuel ratio, and the burners' flame characteristics shall be visually checked at least once during each operating shift. Each unit's burners shall be adjusted when warranted by the visual checks.

(g)(h) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection rule shall comply with the following requirements. All EPA reference test methods are described in 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. The reference test method for visible emissions shall be EPA DEP Method 9, incorporated in Chapter 62-297, F.A.C.

2. The reference test method for carbon monoxide shall be EPA Method 10, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

3. The reference test method for oxygen shall be EPA Method 3, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~

4. The reference test method for particulate matter emissions shall be EPA Method 5, ~~incorporated and adopted by reference in Chapter 62-297, F.A.C.~~ The minimum sample volume shall be thirty (30) dry standard cubic feet.

5. Test procedures shall conform to the procedures specified in meet all applicable requirements of Rule Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(h)(i) Operation During Emissions Compliance Test. Testing of emissions shall be conducted with the unit source operating at a capacity that is representative of normal operations and is not greater than the manufacturer's recommended capacity. The operating capacity shall be a batch load, in pounds, for a batch animal crematory unit and a charging rate, in pounds per hour, for a ram-charged animal crematory unit.

(i)(j) Frequency of Testing.

1. The owner or operator of any animal crematory unit using an air general permit shall have a performance test conducted for visible emissions no later than thirty (30) days after the unit commences operation, and annually thereafter. New and existing facilities shall demonstrate individual source compliance with the visible emissions standard upon initial compliance and annually thereafter. Facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to the submittal date of the air general permit notification form and within sixty (60) days prior to each anniversary of such date.

2. The owner or operator of any animal crematory unit with a capacity of less than 500 pounds per hour and operating under the authority of an air construction permit or air operation permit shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and annually thereafter.

3.2. The owner or operator of any animal crematory unit with a capacity of less than 500 pounds per hour shall not be required to have performance tests conducted for carbon monoxide and particulate matter, except as provided at paragraph 62-297.310(7)(b), F.A.C. New and existing facilities shall demonstrate individual source compliance with the remaining applicable standards upon initial compliance and prior to renewing the operation permit or, if the facility is permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, within sixty (60) days prior to the submittal date of the air general permit notification form.

4. The owner or operator of any animal crematory unit with a capacity of 500 pounds per hour or more shall have performance tests conducted for visible emissions, carbon monoxide, and particulate matter prior to submitting the application for an initial air operation permit, and annually thereafter.

~~(k) Compliance Demonstration. Animal Crematories may demonstrate compliance with the carbon monoxide and particulate emissions standards by submission of a test report for an identical (same make, model, and capacity) crematory air permit and tested pursuant to that permit. The test data in the test report must be less than five (5) years old and may or may not be obtained from the unit that is being permitted.~~

(j)(4) Continuous Emissions Monitoring Requirements. Each animal crematory unit shall be equipped and operated with a install, operate, and maintain continuous monitors to record temperature at the point or beyond where 1.0 second gas residence time is obtained in the secondary chamber combustion zone in accordance with the manufacturer's instructions. In addition, each crematory unit installed after January 1, 2007, shall be equipped and operated with a pollutant monitoring system to automatically control combustion based on continuous in-stack opacity measurement. Such system shall be calibrated to restrict combustion in the primary chamber whenever any opacity exceeding fifteen percent (15%) opacity is occurring. A complete file of all temperature measurements; all including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; and all adjustments, preventive maintenance, and corrective maintenance performed on these systems or devices, shall be recorded in a permanent legible form available for inspection. Continuous temperature monitoring documentation shall include operator name, operator indication of when cremation

in the primary chamber ~~was begun~~ begins, date, time, and temperature markings. Pollutant monitoring system documentation shall include indication of when the opacity measurement system was cleaned and checked for proper operation in accordance with the manufacturer's recommended maintenance schedule. The file shall be retained for at least two (2) years following the recording of such measurements, maintenance, reports, and records.

(7) Air Curtain Incinerators.

(a) Applicability.

1. Any air curtain incinerator subject to 40 CFR Part 60, Subpart AAAA, BBBB, CCCC, DDDD or EEEE, adopted and incorporated by reference at Rule 62-204.800, F.A.C., shall be constructed and operated so as to comply with all standards, limitations, and requirements of the applicable subpart, and with the requirements of paragraph 62-296.401(7)(b), F.A.C., to the extent that those requirements are stricter than, or supplemental to, the requirements of the applicable subpart.

2. Any air curtain incinerator not subject to any subpart of 40 CFR Part 60 and not claiming the exemption from air permitting at subsection 62-210.300(3), F.A.C., shall be constructed and operated so as to comply with the requirements of paragraph 62-296.401(7)(b), F.A.C. Any air curtain incinerator, new or existing, located at a landfill for any time period or at any other site for more than six (6) months:

(b) Operating Requirements.

1.(a) Outside of startup periods, no visible emissions shall not exceed ten percent (10%) opacity, six (6) minute average five percent (5% opacity or less) shall be allowed, except that an opacity of up to twenty percent (20%) shall be permitted for not more than three (3) minutes in any one (1) hour.

(b) During startup periods, which shall not exceed the first thirty (30) minutes of operation, an opacity of up to thirty-five (35%), averaged over a six (6) minute period, shall be allowed.

(c) The general excess emissions rule, Rule 62-210.700, F.A.C., to handle startups, shutdowns, and malfunctions, shall not apply to air curtain incinerators.

2.(d) If the air curtain incinerator employs an earthen trench, the pit walls (width and length) shall be vertical, and maintained as such, so that combustion of the waste within the pit is maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for proper combustion and control of emissions. The following dimensions for the pit must be strictly adhered to: no more than twelve feet (12') wide, between eight feet (8') and fifteen (15') feet deep, and no longer than the length of the manifold. The pit shall not be dug within a previously active portion of a the landfill.

3.(e) Except as provided herein and at subsection 4., (The only materials that shall ~~can~~ be burned in the ~~an~~ air curtain incinerator are vegetative material and untreated wood, excluding sawdust. The air curtain incinerator shall not be used to burn any biological waste, hazardous waste,

asbestos-containing materials, mercury-containing devices, pharmaceuticals, tires, rubber material, residual oil, used oil, asphalt, roofing material, tar, treated wood, plastics, garbage, trash or other material prohibited to be open burned as set forth at subsection 62-256.300(2), F.A.C. wood wastes consisting of trees, logs, large brush, stumps relatively free of soil, unbagged leaves and yard trash, tree surgeon debris, and clean dry lumber such as pallets.

(f) The burning of sawdust, paper, trash, tires, garbage, plastics, liquid wastes, chemically treated or painted wood, and other similar materials is expressly prohibited.

(g) Only kerosene, diesel fuel, drip-torch fuel (as used to ignite prescribed fires), untreated wood, virgin oil, natural gas, or liquefied petroleum gas shall may be used to start the fire in the air curtain incinerator. The use of used waste oil, chemicals, gasoline, or tires to start the fire is expressly prohibited.

4. Notwithstanding the provisions of subparagraph 3., the air curtain incinerator may be used for the destruction of animal carcasses in accordance with the provisions of subsection 62-256.700(6), F.A.C. When using an air curtain incinerator to burn animal carcasses, untreated wood may also be burned to maintain good combustion.

5.(h) In no case shall the an air curtain incinerator be started before sunrise. All For refractory lined air curtain incinerators, charging shall end no later than one (1) hour after must have completely stopped before sunset. After charging ceases, air flow shall be maintained until all material within the air curtain incinerator has been reduced to coals, and flames are no longer visible. A log shall be maintained onsite that documents daily beginning and ending times of charging. For all other air curtain incinerators, charging must have completely stopped two (2) hours before sunset.

6. The air curtain incinerator shall be attended at all times while materials are being burned or flames are visible within the incinerator.

(i) In no case shall the permitted burning rate, in tons per day, exceed the value obtained by dividing the number 100,000 by the permitted number of days that burning will be authorized to take place.

7.(j) The New air curtain incinerators shall must be located at least fifty (50) feet from any wildlands, brush, combustible structure, or paved public roadway three hundred (300) feet from any pre-existing occupied building located off site. Air curtain incinerators existing as of October 1, 1986, must be located at least two hundred (200) feet from any occupied building located off site. The Department may issue a permit for an air curtain incinerator which does not meet this setback if the applicant submits with the application a signed affidavit from the owner(s) of all occupied buildings within the setback area that waives the setback requirement.

(k) Air curtain incinerators used at landfills may not be operated within one thousand (1000) feet of any active portion of the landfill unless the air curtain incinerator is separated from the active portion of the landfill by a controlled gate or check in station.

8.(4) The material shall not be loaded into the air curtain incinerator such that it will protrudes above the air curtain.

9.(m) Ash shall not be allowed to build up in the pit of the air curtain incinerator to higher than one third (1/3) the pit depth or to the point where the ash begins to impede combustion, whichever occurs first.

10.(n) An detailed operation and maintenance guide shall must be available to the operators of the air curtain incinerator at all times, and the owner shall permittee must provide the proper training to all operators before they work at the incinerator. This guide shall be made available to the Department or for an inspector's onsite review upon request. The Department may request a copy of this guide.

(c)(o) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection rule shall comply with the following requirements.

1. The reference test method for visible emissions shall be EPA DEP Method 9, as described at 40 CFR Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

2. Test procedures shall conform to the procedures specified in meet all applicable requirements of Rule Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

3. Records of the results of all initial and annual visible emissions tests shall be kept by the owner or operator in either paper copy or electronic format for at least five (5) years. These records shall be made available to the Department or for an inspector's onsite review upon request.

(d) Frequency of Testing.

1. The owner or operator of any air curtain incinerator subject to this subsection shall have a performance test conducted for visible emissions prior to submitting the application for an initial air operation permit, and, except as provided at Rule 62-296.401(7)(d)2., F.A.C., annually thereafter.

2. The owner or operator of any air curtain incinerator subject to this subsection and using an earthen trench shall have a performance test conducted for visible emissions no later than thirty (30) days after it commences operation at any new trench location, and annually thereafter. However, if the air curtain incinerator will be operated for less than thirty (30) days at the new trench location, and the owner or operator has demonstrated compliance with the emissions limiting standards of paragraph 62-296.401(7)(b), F.A.C., through a visible emissions test conducted and submitted to the

Department within the previous twelve (12) months, the requirement for testing within thirty (30) days of commencing operation at the new trench location shall not apply.

Specific Authority 403.061, 403.716 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087, 403.716, 470.025 FS. History—Formerly 17-2.600(1), Amended, 12-02-92, Formerly 17-296.401, Amended 11-23-94, 1-1-96, 3-13-96, 11-13-97, _____.

62-296.414 Concrete Batching Plants.

The following requirements apply to new and existing emissions units producing concrete and concrete products by batching or mixing cement and other materials. This rule also applies to facilities processing cement and other materials for the purposes of producing concrete, and to equipment used to mix cement and soil for onsite soil augmentation or stabilization.

(1) through (2) No change.

(3) Test Methods and Procedures. All emissions tests performed pursuant to the requirements of this subsection ~~rule~~ shall comply with the following requirements.

(a) The reference test method for visible emissions shall be EPA DEP Method 9, as described at 40 CFR, Part 60, Appendix A, adopted and incorporated by reference at Rule 62-204.800 in Chapter 62-297, F.A.C.

(b) Test procedures shall conform to the procedures specified in meet all applicable requirements of Rule Chapter 62-297.310, F.A.C. All test results shall be reported to the Department in accordance with the provisions of Rule 62-297.310, F.A.C.

(c) through (d) No change.

(4) Frequency of Testing Compliance Demonstration.

(a) The owner or operator of any concrete batching plant using an air general permit shall have a performance test conducted for visible emissions for Per the conditions of paragraph 62-297.310(7)(a), F.A.C., each dust collector exhaust point shall be no later than thirty (30) days after commencing operation, and annually thereafter tested annually for compliance with the visible emission limiting standard of subsection 62-296.414(1), F.A.C. New facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate initial compliance no later than thirty (30) days after beginning operation, and annual compliance within sixty (60) days prior to each anniversary of the air general permit notification form submittal date. Existing facilities permitted pursuant to subsection 62-210.300(4), F.A.C., Air General Permits, shall demonstrate compliance within sixty (60) days prior to submitting an air general permit notification form and within sixty (60) days prior to each anniversary of the air general permit notification form submittal date.

(b) The owner or operator of any concrete batching plant operating under the authority of an air construction permit or air operation permit shall have a performance test conducted

for visible emissions for each dust collector exhaust point prior to submitting the application for an initial air operation permit, and annually thereafter.

Specific Authority 403.061 FS. Law Implemented ~~403.021~~, 403.031, 403.061, 403.087 FS. History—Formerly 17-2.600(14), 17-296.414, Amended 11-23-94, 1-1-96, 11-13-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Larry George

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Michael Sole

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 31, 2006

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

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:

64B15-9.006 Probable Cause Determination

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation in Section 459.015(10) F.S.

SUMMARY: The existing language of the rule is revised to comply with new legislation in Section 459.015(10) 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: 120.53, 459.005 FS.

LAW IMPLEMENTED: 456.073(4), 459.015(10) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-9.006 Probable Cause Determination.

(1) No change.

(2) The probable cause panel shall include one (1) licensed physician assistant whenever disciplinary action against a physician assistant is considered. The physician assistant member of the panel shall be appointed by the Council on Physician Assistants and shall consider disciplinary action against physician assistants only.

(3)(2) The probable cause panel members shall be selected by the Chair, except for the physician assistant enumerated in subsection (2) of this rule, one (1) of whom shall be selected by the Chair of the Board as the presiding officer of the panel.

(4)(3) No change.

Specific Authority 120.53, 459.005 FS. Law Implemented 456.073(4), 459.015(10) FS. History--New 10-23-79, Formerly 21R-9.06, Amended 1-3-93, Formerly 21R-9.006, 61F9-9.006, Amended 10-15-95, Formerly 59W-9.006, Amended 11-27-97, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.005
RULE TITLE: Standards for the Use of Controlled Substances for Treatment of Pain

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to include osteopathic manipulative treatment and applications as other treatment modalities approved.

SUMMARY: The existing language of the rule is revised to include osteopathic manipulative treatment and applications as other treatment modalities approved.

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: 459.005(1) FS.

LAW IMPLEMENTED: 459.003(3), 459.015(1)(g), (x) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.005 Standards for the Use of Controlled Substances for Treatment of Pain.

(1) through (2) No change.

(3) Guidelines. The Board has adopted the following guidelines when evaluating the use of controlled substances for pain control:

(a) No change.

(b) Treatment Plan. The written treatment plan should state objectives that will be used to determine treatment success, such as pain relief and improved physical and psychosocial function, and should indicate if any further diagnostic evaluations or other treatments are planned. After treatment begins, the osteopathic physician should adjust drug therapy to the individual medical needs of each patient. Other treatment modalities, including osteopathic manipulative treatment and applications, or a rehabilitation program may be necessary depending on the etiology of the pain and the extent to which the pain is associated with physical and psychosocial impairment.

(c) through (g) No change.

Specific Authority 459.005(1) FS. Law Implemented 459.003(3), 459.015(1)(g), (x) FS. History--New 3-9-00, Amended _____,

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.002
RULE TITLE: Violations and Penalties

PURPOSE AND EFFECT: The purpose and effect of this rule development is to revise the existing language of the rule to comply with new legislation in Section 456.50, F.S.

SUMMARY: The existing language of the rule is revised to comply with new legislation in Section 456.50, 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: 456.079, 459.015(5) FS.

LAW IMPLEMENTED: 456.072, 456.079, 456.50 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.002 Violations and Penalties.

In imposing discipline upon applicants and licensees, the board shall act in accordance with the following disciplinary guidelines and shall impose a penalty within the range corresponding to the violations set forth below. The statutory language is intended to provide a description of the violation and is not a complete statement of the violation; the complete statement may be found in the statutory provision cited directly under each violation description.

(1) through (45) No change.

(46) ~~Violating any rule adopted by the board or department. Intentionally violating any rule adopted by the board or department~~ (456.072(1)(b), 459.015(1)(pp) F.S.)

MINIMUM

MAXIMUM

FIRST OFFENSE

denial or ~~letter of concern reprimand~~ and ~~\$1,000 \$5,000~~ fine, demonstration of compliance with the rule.

denial or suspension to be followed by probation and \$5,000 fine, a reprimand, completion of a laws and rules course, and demonstration of compliance with the rule.

SECOND OFFENSE

denial or reprimand, completion of laws and rules course, demonstration of compliance with the rule, probation and \$7,500 fine

No change.

(47) through (58) No change.

Specific Authority 456.079, 459.015(5) FS. Law Implemented 456.072, 456.079, 456.50 FS. History—New 9-30-87, Amended 10-28-91, 1-12-93, Formerly 21R-19.002, 61F9-19.002, 59W-19.002, Amended 2-2-98, 2-11-01, 6-7-01, 2-26-02, 12-7-05_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Osteopathic Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-19.009
 RULE TITLE: Submission of Malpractice Record
 PURPOSE AND EFFECT: The purpose and effect of this rule promulgation is to establish rules for compliance with new legislation in Section 456.50(2), F.S.
 SUMMARY: Rules are established for compliance with new legislation in Section 456.50(2), F.S.
days of entry of the final judgment or order. The record shall be sent to the Board of Osteopathic Medicine, 4052 Bald Cypress

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: 456.50(2) FS.

LAW IMPLEMENTED: 456.50(2) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-19.009 Submission of Malpractice Record.

(1) All physicians licensed pursuant to Chapter 459, F.S., shall provide the Board of Osteopathic Medicine a copy of the record of any finding of medical malpractice resulting from a civil or administrative proceeding, entered against the licensee in any jurisdiction on or after November 2, 2004 within 60 Way, BIN-CO6, Tallahassee, Florida 32399.

(2) The record shall include the official transcript of the civil or administrative proceeding resulting in a finding of medical malpractice, all evidence admitted, those matters officially recognized by the civil or administrative tribunal, and the final order or judgment reported or issued by the tribunal.

(3) The record shall be provided to the Board on a read only CD ROM disc in portable document format (.pdf) or tagged image file format (.tif).

Specific Authority 456.50(2) FS. Law Implemented 456.50(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 1, 2006

DEPARTMENT OF HEALTH

Board of Respiratory Care

RULE NO.: 64B32-6.004
RULE TITLE: Procedures for Approval of Attendance at Continuing Education Courses

PURPOSE AND EFFECT: The Board proposes to amend the Rule for continuing education courses.

SUMMARY: The proposed Rule will amend the procedures for approval of attendance at continuing education courses.

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.

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:

64B32-6.004 Procedures for Approval of Attendance at Continuing Education Courses.

(1) During the license renewal period of each biennium, an application for renewal will be mailed to each licensee at the last address provided to the Board. Failure to receive any notification during this period does not relieve the licensee of the responsibility of meeting the continuing education requirements. The licensee must retain such receipts, vouchers, certificates, or other papers as may be necessary to document completion of the appropriate continuing education offerings listed on the renewal form for a period of not less than 4 years from the date the offering was taken. The Board will audit at random a number of licensees as is necessary to assure that the continuing education requirements are met. Failure to document compliance with the continuing education requirements or the furnishing of false or misleading information regarding compliance shall be grounds for disciplinary action pursuant to Section 468.365(1)(a), Florida Statutes.

(2) Excluding any recertification, review, refresher, or preparatory courses, all licensees shall be awarded contact hours for:

(a) Attendance at offerings that are approved by:

1. The American Association for Respiratory Care (AARC) as Category I or III,
2. The Florida Society for Respiratory Care, and - 460
3. The Accreditation Council for Continuing Medical Education (ACCME), the American and Florida Thoracic Societies, the American College of Cardiology, the American College of Chest Physicians, the American and Florida Societies of Anesthesiologists, the American and Florida Lung Association, the National Society for Cardiopulmonary Technologists, the American Heart Association, the American Nurses Association, and the Florida Nurses Association;

~~provided that they are related to respiratory care services;~~

(b) Attendance at all offerings that are conducted by institutions approved by the Committee on Accreditation for Respiratory Care (CoARC);

(c) Successful completion, for the first time, of any college or university course, but only if such course is part of the curriculum within an AMA accredited respiratory therapy program and is provided by that AMA accredited respiratory therapy program, up to the maximum hours permitted by subsection (3) of this rule.

(d) Successful completion of the following certification classes, up to a maximum total of 16 hours per biennium;

1. Advanced cardiac life support;
2. Neonatal resuscitation program;
3. Pediatric advanced life support.

(e) Successful completion of the following recertification classes, up to a maximum of 8 hours per biennium;

1. Advanced cardiac life support;

- 2. Neonatal resuscitation program;
- 3. Pediatric advanced life support.

(f) Successful passage, one time per biennium, of the following recredentialing examinations given by the National Board for Respiratory Care (NBRC):

- 1. Clinical Simulation Recertification Examination – maximum of 4 hours;
- 2. Registry Recredentialing Examination (written portion) – maximum of 2 hours;
- 3. Certified Respiratory Therapist Recredentialing Examination – maximum of 3 hours;
- 4. Perinatal Pediatrics Recredentialing Examination – maximum of 3 hours.
- 5. Pulmonary Function: Certified pulmonary function technologist and registered pulmonary function technologist recredentialing examinations – maximum of 2 hours.

(g) Attendance at scheduled public meetings of the Board of Respiratory Care, up to a maximum of 8 hours per biennium.

(3) A minimum of 16 hours each biennium must be obtained by each licensee in approved offerings related to the direct delivery of respiratory care services. No more than 8 hours of non direct patient care appropriate continuing education in the areas of management, risk management, personal growth, and educational techniques will be acceptable for the purpose of biennial renewal of a license. Up to 12 hours per biennium may be home study courses.

(4) Each licensee who is presenting a continuing education course as either the lecturer of the offering or as author of the course materials may earn a maximum 12 contact hours of continuing education credit per biennium. Each licensee who is either participating as a lecturer of a continuing education course or an author of a continuing education program may receive credit for the portion of the offering he/she presented or authored to the total hours awarded for the offering.

(a) Continuing education credit may be awarded to a lecturer or author for the initial presentation of each program only; repeat presentations of the same continuing education course shall not be granted credit.

(b) In order for a continuing education credit to be awarded to each licensee participating as either faculty or author, the format of the continuing education program must conform with all applicable sections of this rule chapter.

(c) Continuing education credit for publications is limited to continuing education offerings.

(d) The number of contact hours to be awarded to each licensee who participates in a continuing education program as either a lecturer or author is based on the 50 minute contact hour employed within this rule chapter.

(5) Members of the Board's Probable Cause Panel shall receive two hours of medical errors and 3 hours of direct patient care credit per biennium for their service on the Panel.

(6) The Board shall make exceptions for licenses from the continuing education requirements including waiver of all or a portion of these requirements or the granting of an extension of time in which to complete these requirements upon a finding of good cause by majority vote of the Board at a public meeting following receipt of a written request for exception based upon emergency or hardship. Emergency or hardship cases are those: (1) involving long term personal illness or illness involving a close relative or person for whom the license has care-giving responsibilities; (2) where the license can demonstrate that the required course(s) are not reasonably available; and (3) where license can demonstrate economic, technological, or legal hardships that substantially relate to the ability to perform or complete the continuing education requirements.

Specific Authority 468.353(1), 468.361(2) Law Implemented 468.361(2) FS. History–New 4-29-85, Formerly 21M-38.04, Amended 9-29-86,11-29-88, 9-24-92, 10-15-92, Formerly 21M-38.004, Amended 1-2-94, 7-10-94, Formerly 61F6-38.004, Amended 11-1-94, 3-14-95, 7-18-95,4-24-96, 8-27-96, Formerly 59R-75.004, 64B8-75.004, Amended 6-8-00, 5-7-01, 1-22-03, 7-29-03, 5-31-04,_____.

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: September 11, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 2, 2006

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-17.001
RULE TITLE: Documents Incorporated by Reference

PURPOSE AND EFFECT: To adopt and incorporate materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.

SUMMARY: This amendment incorporates materials by reference relating to the Child Care Food Program that provide instruction to program contractors and to incorporate the most recently published regulations.

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: 383.011(2)(c) FS.
LAW IMPLEMENTED: 383.011(1)(i) FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the Bureau of Child Nutrition Programs office. 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: Julia P. Forrester, Assistant General Counsel, Department of Health, Office of the General Counsel, 4052 Bald Cypress Way, BIN A-02, Tallahassee, Florida 32399-1703, (850)245-4005

THE FULL TEXT OF THE PROPOSED RULE IS:

(Substantial rewording of Rule 64F-17.001 follows. See Florida Administrative Code for present text.)

64F-17.001 Documents Incorporated by Reference Federal Regulations.

(1) Title 7 Code of Federal Regulations, Part 226, as published January 1, 2006, and Title 7 Code of Federal Regulations, Parts 3015 and 3016, as published January 1, 2006, are incorporated by reference.

(2) The Department of Health's publications entitled "Procedure Manual for Sponsors of Unaffiliated Centers," dated August 1, 2006 is incorporated by reference.

(3) Copies of materials incorporated by reference may be obtained from www.doh.state.fl.us/ccfp or by writing to the Department of Health, 4052 Bald Cypress Way, Bin #A-17, Tallahassee, Florida 32399-1727.

Specific Authority 383.011(2)(c) FS. Law Implemented 383.011(1)(i) FS. History—New 7-22-99, Amended 2-20-04,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Philip E. Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Annette Phelps

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

DEPARTMENT OF HEALTH

Vital Statistics

RULE CHAPTER NO.: 64V-1
 RULE CHAPTER TITLE: Vital Records and Associated Activities

RULE NOS.:
 64V-1.007

64V-1.0131

RULE TITLES:
 Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements
 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements

PURPOSE AND EFFECT: Purpose of proposed rule amendments is to provide form for purpose of amending a fetal death certificate and to provide for creation of a Florida Certificate of Birth Resulting in Stillbirth, as well as, issuance of this certificate as mandated by the Florida Legislature during the 2006 session.

SUMMARY: Amending rule to create amendment form specific to fetal death certificates, adapting the current death amendment application form to address both death and fetal death amendments and create certificate and application form for creation and issuance of a Florida Certificate of Birth Resulting in Stillbirth.

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: 382.003(10),(11), 382.016, 382.0255(1)(b), 382.0085 FS.

LAW IMPLEMENTED: 382.003(7),(10),(11), 382.016, 382.0085 FS.

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

DATE AND TIME: Monday, October 16, 2006, 1:00 p.m.

PLACE: Department of Health, State Office of Vital Statistics, 1217 Pearl St., Boorde Bldg., Rm. 420, Jacksonville, FL 32202

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 3 days before the workshop/meeting by contacting: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042. 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: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

THE FULL TEXT OF THE PROPOSED RULES IS:

PART IV AMENDMENT OF DEATH AND FETAL DEATH CERTIFICATES

64V-1.007 Death and Fetal Death Certificate Amendments; Who May Apply; Fees; Documentary Evidence Requirements.

(1) Application to amend items ~~other than those requiring the signature of the attending physician or medical examiner as outlined in (s) of Rule 64V-1.007, F.A.C.,~~ shall be submitted with an Application for Amendment to Death or Fetal Death Record, DH Form 524, Jun 06 Jun-03, hereby incorporated by reference and available from the department and except for those items requiring the signature of the attending physician or medical examiner as outlined in subsection (2) of Rule 64V-1.007, F.A.C., shall be accompanied by the amendment fee required in subsection (3) of Rule 64V-1.014, F.A.C.

(8) Amendment of any item on a fetal death certificate shall be made on an Affidavit of Amendment to Certificate of Fetal Death, DH Form 433A, June 06 hereby incorporated by reference and available from the department. Such affidavit shall be signed before a notarizing official by a parent listed on the Florida Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated by reference except in the case where a father's name is to be added to the Certificate of Fetal Death. In this case, the notarized signatures of both mother and father shall be required.

(9) If amendment of the medical certification of the cause of death section or the date of death, hour or time of fetal death or the place of fetal death other than street address on a fetal death certificate is to be amended, in addition to the Affidavit of Amendment to Certificate of Fetal Death, DH Form 433A, the amendment shall be confirmed in writing by the attending physician or medical examiner with current jurisdiction of the district in which the fetal death occurred.

Specific Authority 382.003(10),(11), 382.016, 382.025(3) FS. Law Implemented 382.003(7),(11), 382.011, 382.016 FS. History--New 1-1-77, Formerly 10D-49.22, Amended 10-1-88, 4-18-96,12-26-96, Formerly 10-49.022, Amended 11-11-98, 7-18-00, 2-29-04, _____.

64V-1.0131 Certifications of Vital Records; Information Required for Release; Applicant Identification Requirements.

(1) through (3) No change.

(4) Upon request of a parent listed on a Certificate of Fetal Death, the department shall create a Certificate of Birth Resulting in Stillbirth, DH Form 728A, Aug. 06, hereby incorporated by reference and available from the department.

Information listed on the Certificate of Birth Resulting in Stillbirth shall originate from the Certificate of Fetal Death, DH Form 428, Jan. 06, previously incorporated by reference. All requests for a Certificate of Birth Resulting in Stillbirth shall be submitted on an Application for Florida Certificate of Stillbirth, DH Form 728, Aug. 06, hereby incorporated by reference and available from the department.

Specific Authority 382.003(7), (10), 382.025, 382.0255(1)(a), 382.0085 FS. Law Implemented 382.025, 382.0085 FS. History--New 11-11-98, Amended 2-29-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Kevin Wright, Sr. Management Analyst Supervisor, Department of Health, State Office of Vital Statistics, P. O. Box 210, Jacksonville, Florida 32231-0042

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Kenneth T. Jones, Deputy State Registrar

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 4, 2006

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-58.001	Purpose and Intent
67-58.002	Definitions
67-58.005	Fees
67-58.010	Miscellaneous Criteria
67-58.020	Credit Underwriting and Loan Procedures
67-58.030	Terms and Conditions of Loans
67-58.040	Sale or Transfer of a Project
67-58.050	Construction Disbursements
67-58.060	Loan Servicing
67-58.070	Credit Underwriting
67-58.080	Terms of the Loan to Public-Private Partnerships
67-58.090	Disbursement of Funds, Draw Requests, and Construction Loan Servicing
67-58.100	Terms of the Loan to Eligible Persons
67-58.110	Permanent Loan Servicing – Annual Review

PURPOSE AND EFFECT: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida.

SUMMARY: The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida.

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: Ch. 2006-69, s. 27, LOF.

LAW IMPLEMENTED: Ch. 2006-69, s. 27, LOF.

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

DATE AND TIME: Monday, October 16, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, FL 32301

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: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329 (850)488-4197. 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: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULES IS:

67-58.001 Purpose and Intent.

The purpose of this rule chapter is to establish the procedures by which the Corporation shall administer the credit underwriting and loan servicing of the Community Workforce Housing Innovation Pilot Program (CWHIP) pursuant to Chapter 2006-69, Section 27, Laws of Florida (LOF).

Specific Authority Ch. 2006-69, s. 27, LOF. Law Implemented Ch. 2006-69, s. 27, LOF. History—New _____.

PART I ADMINISTRATION

67-58.002 Definitions.

(1) “Affordability Period” means the period of time the unit must remain affordable.

(2) “Applicant” means any Public-Private Partnership seeking a loan from Florida Housing for the new construction or Rehabilitation of housing under CWHIP-

(3) “Application” means the response to the Request for Proposals to Provide Affordable Rental and Homeownership Community Workforce Housing for Essential Services Personnel (RFP 2006-05) and the documents submitted by the Applicant to Florida Housing requesting CWHIP funds.

(4) “Area Median Income” or “AMI” means the median income for an area, with adjustments made for household size, as determined by the United States Department of Housing and Urban Development (HUD).

(5) “Area(s) of Critical State Concern” means the Florida Keys area of critical state concern, pursuant to Ch. 2006-69, s. 27, LOF.

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

(7) “Borrower” means an Applicant that has obtained a CWHIP loan.

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

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

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

(11) “CWHIP” or “CWHIP Program” means the Community Workforce Housing Innovation Pilot Program as defined in Ch. 2006-69, s. 27, LOF.

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

(13) “Document” means electronic media, written or graphic matter, of any kind whatsoever, however produced or reproduced, including records, reports, memoranda, minutes, notes, graphs, maps, charts, contracts, opinions, studies, analysis, photographs, financial statements and correspondence as well as any other tangible thing on which information is recorded.

(14) “Draw” means the disbursement of funds to a Project.

(15) “Eligible Persons” mean persons or families qualified under this Rule Chapter to live in Workforce Housing.

(16) “Essential Services Personnel” means persons in need of affordable housing who are employed in occupations or professions in which they are considered essential services personnel, as defined by each county and eligible municipality within its respective local housing assistance plan pursuant to Section 420.9075(3)(a), F.S.

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

(18) “Project” or “Property” consistent with Section 420.503(32), F.S., means any work or improvement located or to be located in any one county in the state, including real property, buildings, and any other real and personal property, designed and intended for the primary purpose of providing decent, safe, and sanitary residential housing for persons or families, whether new construction or the acquisition and the remodeling, improvement, rehabilitation, or reconstruction of existing structures, together with such related nonhousing facilities as the Corporation determines to be necessary, convenient, or desirable.

(19) “Public-Private Partnership” means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the Project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(20) “Rehabilitation” means the alteration, improvement or modification of an existing structure, restricted as follows:

(a) For rental units, a minimum of \$20,000 per unit and must be brought up to the state building code;

(b) For homeownership units, a minimum of 25% of the current appraised value and must be brought up to the state building code.

(21) “Rent-Restricted Unit” means a unit for which the gross rent does not exceed 30 percent of the applicable income limitation imputed for unit type.

(22) “Request for Proposal” or “RFP” means, for the purposes of this rule, RFP 2006-05.

(23) “Response” means the written submission by an Applicant for RFP 2006-05.

(24) “Total Development Cost” means the total of all residential costs incurred in the completion of a Project, all of which shall be subject to the review and approval by the Credit Underwriter and the Corporation.

(25) “Website” means the Florida Housing Finance Corporation’s website for the CWHIP program is <http://www.floridahousing.org/home/developers/WorkforceHousing>.

(26) “Workforce Housing” means housing affordable to natural persons or families whose total annual household income does not exceed 140 percent AMI, adjusted for household size, or 150 percent AMI, adjusted for household size, in Areas of Critical State Concern designated under Section 380.05, Florida Statutes (F.S.), for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as Areas of Critical

State Concern for at least 20 consecutive years prior to removal of the designation. For purposes of this rule includes affordable housing as defined in Section 420.004, F.S.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.005 Fees.

(1) The Applicant shall be responsible for the payment of any required credit underwriting and loan servicing fees for the term of the loan and compliance monitoring fees for the term of the affordability period.

(2) The Applicant shall be responsible for the payment of any necessary extension fees, as further described in subsection 67-58.020(25) and 67-58.070(22), Florida Administrative Code (FAC).

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.010 Miscellaneous Criteria.

The Total Development Cost includes the following:

(1) The cost of acquiring real property and any buildings thereon, including payment for options, deposits, or contracts to purchase properties.

(2) The cost of site preparation, demolition, and development.

(3) Any expenses relating to the issuance of tax-exempt bonds or taxable bonds, if any, related to the particular Project.

(4) Fees in connection with the planning, execution, and financing of the Project, such as those of architects, engineers, attorneys, accountants, Developer fee, and the Corporation.

(5) The cost of studies, surveys, plans, permits, insurance, interest, financing, tax and assessment costs, and other operating and carrying costs during construction, rehabilitation, or reconstruction of the Project.

(6) The cost of the construction, rehabilitation, and equipping of the Project.

(7) The cost of land improvements, such as landscaping and offsite improvements related to the Project, whether such costs are paid in cash, property, or services.

(8) Expenses in connection with initial occupancy of the Project.

(9) Allowances for working capital, contingency reserves, and reserves for any anticipated operating deficits during the first 2 years after completion of the Project.

(10) The cost of such other items, including relocation costs, indemnity and surety bonds, insurance premiums, trustees fees and expenses, depositories, and agent’s fees for the Corporation’s bonds, for the construction or Rehabilitation of the Project.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

PART II MULTIFAMILY RENTAL PROJECTS67-58.020 Credit Underwriting and Loan Procedures.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the development team to proceed; the evidence of need for Workforce Housing in order to determine that the Project meets the Program requirements; and the determination of a recommended CWHIP loan amount.

(1) After the rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Project.

(2) The invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than 7 days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 15 days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation.

(5) If an Applicant fails to submit the fee(s) as required, the Corporation will select additional Application(s) in the priority approved by the Board.

(6) The Applicant has 14 months from the date of the acceptance of the letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of 1 percent of the CWHIP loan amount if the Board approves the extension request.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, general contractor, and other members of the development team.

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

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

(10) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice and a separate market study shall be ordered by the Credit Underwriter, at the Applicant's expense, from an appraiser qualified for the geographic area and product type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall review and consider the market study, the Project's financial impact on developments in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) The minimum debt service coverage shall be 1.10 for the CWHIP loan, including all superior mortgages. The maximum debt service coverage shall be 1.60 for the CWHIP loan, including all superior mortgages.

(13) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work. The Credit Underwriter shall review the Project's costs and if it is determined that a pre-construction analysis or a physical needs assessment for Rehabilitation is required, the fee for such analysis shall be borne by the Applicant.

(14) In addition to operating expenses, the Credit Underwriter must include an estimate for replacement reserves and operating expense reserves deemed appropriate by the Credit Underwriter when calculating the final net operating income available to service the debt. A minimum replacement reserve amount of \$200 per unit per year must be used for all rental Projects; however, the amount may be increased based on a physical needs assessment. An Applicant may choose to fund a portion of the replacement reserves at closing. The amount cannot exceed 50 percent of the required replacement reserves for 2 years and must be placed in escrow at closing.

(15) The Credit Underwriter may request additional information, but at a minimum the following will be required during the underwriting process:

(a) For the Applicant, general partner(s), and guarantors, audited financial statements or financial statements for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications compiled or reviewed by a licensed Certified Public Accountant in accordance with the Statement on Standards for Accounting and Review Services (SSARS). If audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant are not available, unaudited financial statements prepared within the last 90 days and the two most recent year's tax returns reviewed by the Credit Underwriter in accordance with Part III, Sections 604 through 607, of the Fannie Mae Multifamily Delegated Underwriting and Servicing (DUS) Guide, effective November 6, 2003, which is adopted and incorporated by reference and available on the Corporation's Website. If the entities are newly formed (less than 18 months in existence as of the date that credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules.

(b) For the general contractor:

1. Verification that the general contractor has the requisite knowledge and experience to complete the proposed Project;

2. Narrative regarding experience with residential construction; and

3. Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended, credit check, banking and trade references, and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100 percent of the total construction cost is issued in the name of the general contractor by a company rated at least "A-" by AMBest & Co.

(16) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor;

(b) Developer and general contractor's history in successfully completing Projects of comparable in size and scope;

(c) Problems encountered previously with Developer or contractor; and

(d) Exposure of Corporation funds compared to Total Development Cost;

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(17) The Developer fee shall be limited to 16 percent of the Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(18) The general contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(19) The general contractor must meet the following conditions:

(a) Employ a Project superintendent and charge the costs of such employment to the general requirements line item of the general contractor's budget;

(b) Charge the costs of the Project construction trailer, if needed, and other overhead to the general requirements line item of the general contractor's budget;

(c) Secure building permits, issued in the name of the general contractor;

(d) Secure a payment and performance bond (or approved alternate security for general contractor's performance, such as a letter of credit), issued in the name of the general contractor, from a company rated at least "A-" by AMBest & Co.;

(e) Ensure that none of the general contractor duties to manage and control the construction of the Project are subcontracted; and

(f) Ensure that not more than 20 percent of the construction cost is subcontracted to any one entity unless otherwise approved by the Board for a specific Project.

(20) The Credit Underwriter shall require an operating deficit guarantee, to be released upon achievement of 1.10 debt service coverage for a minimum of 6 consecutive months for the CWHIP loan and all superior mortgages.

(21) The Credit Underwriter shall review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Project.

(22) All items required by the Credit Underwriter must be provided. If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless an extension of time has been approved by the Corporation, shall result in withdrawal of the Application. If the Application is withdrawn, the Corporation will select additional Application(s) in the priority approved by the Board.

(23) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter. The Corporation shall provide to the Credit

Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be submitted to the Corporation and the Credit Underwriter. The Credit Underwriter will provide a final report, which will address comments made by the Applicant, to the Corporation.

(24) The Credit Underwriter's recommendations shall be sent to the Board for approval.

(25) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a CWHIP loan commitment.

(26) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the extension.

(27) Prior to any CWHIP loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel; and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New

67-58.030 Terms and Conditions of Loans.

(1) The proceeds of all loans shall be used for new construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) The CWHIP loan shall be in a first, second or other subordinated lien position. For purposes of this rule, mortgages securing a letter of credit as credit enhancement for the bonds financing the first mortgage shall be considered a contingent liability and part of the first mortgage lien, provided that the Borrower's counsel furnishes an opinion regarding the contingent nature of such mortgage satisfactory to the Corporation and its counsel.

(3) The loans to Public-Private Partnerships shall have interest rates as follows:

(a) One percent simple interest per annum, non-amortizing, will accrue on loans to Projects where long term affordability of 50 years is provided and when at least 80 percent of the units are set aside for Workforce Housing and at

least 50 percent of the units are set aside for Essential Services Personnel. Such loans, including interest, shall be forgiven upon successful completion of the Compliance Period.

(b) For CWHIP loans not eligible for forgiveness, 3 percent fully amortized loans to Projects other than those identified in paragraph (a) above;

(c) The amount of any superior mortgages combined with the CWHIP mortgage shall be less than the appraised value of the Project. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(4) For CWHIP loans not eligible for forgiveness, the term shall be for a period of not more than 30 years. The loan term may exceed 30 years as required to be coterminous with the first mortgage or if otherwise approved by the Board.

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

(6) The Corporation may intervene and renegotiate terms or take other actions necessary to further CWHIP goals or avoid default of a CWHIP loan. Such renegotiations shall be based upon consideration of the following:

(a) Performance of the Borrower during the CWHIP loan term;

(b) Availability of similar housing stock for Eligible Persons in the area;

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

(d) Assurance that the security interest of the Corporation will not be jeopardized by the renegotiation;

(e) Fiscal goals; and

(f) The preservation or advancement of Workforce Housing for Eligible Persons.

(7) After accepting a preliminary commitment, the Borrower shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the CWHIP mortgage without prior approval of the Board. However, a Borrower may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation shall be notified in writing of any such change prior to the Borrower taking such action.

(a) The Board shall approve requests for mortgage loan refinancing only if the Project cash flow is improved; the Project's economic viability is maintained; the security interest of the Corporation is not adversely affected; and the Credit Underwriter provides a positive recommendation.

(b) The Board shall deny requests for mortgage loan refinancing which require extension of the CWHIP loan term or otherwise adversely affect the security interest of the Corporation, unless the criteria outlined in the paragraph above are met, the Credit Underwriter recommends that the approval of such a request is crucial to the economic survival of the Project or unless the Board determines that public policy will be better served by the extension as a result of the Borrower agreeing to further extend the Compliance Period or provide additional amenities or resident programs suitable for the resident population. Further, the Board shall limit any approved extension to a minimum term which makes the Project feasible and which does not exceed an industry standard term.

(8) All CWHIP loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35, which are adopted and incorporated by reference and are available on the Corporation's Website.

(9) All Workforce Housing rental units shall be Rent Restricted Units.

(10) The documents creating, evidencing or securing each CWHIP loan must provide that any violation of the terms and conditions described in Rule Chapter 67-58, F.A.C., constitutes a default under the CWHIP loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(11) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the CWHIP loan.

(12) The minimum Compliance Period for a CWHIP Project shall be the greater of 20 years or the term of the CWHIP loan.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New _____.

67-58.040 Sale or Transfer of a Project.

The CWHIP loan shall be assumable upon sale or transfer of the Project if the following conditions are met:

(1) The proposed transferee agrees to maintain all set-asides and other requirements of the CWHIP loan for the period originally specified or longer; and

(2) The proposed transferee and release of transferor receives a favorable recommendation from the Credit Underwriter and approval by the Board.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New _____.

67-58.050 Construction Disbursements.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total Development Cost unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Borrower shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Borrower for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Borrower may request disbursement of construction Draws via a wire transfer. The Borrower will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Borrower Applicant shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Project is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the CWHIP loan agreement.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New _____.

67-58.060 Loan Servicing.

(1) By May 31st of each year of the CWHIP loan term, the Borrower shall provide the Corporation with audited financial statements. The audited financial statements shall be due no later than May 31st following the end of the calendar year following the year in which the first unit is occupied.

(2) The Corporation's servicer shall issue a monthly billing for the principal and interest due on the CWHIP loan.

(3) The Borrower shall remit the principal and interest due to the Corporation's servicer no later than the 15th day of each month of the CWHIP loan term.

(4) After maturity or acceleration, the note shall bear interest at the default interest rate from the due date until paid. Unless the Corporation has accelerated the CWHIP loan, the Borrower shall pay the Corporation a late charge of 5 percent of any required payment that is not received by the Corporation within 15 days of the due date.

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

(6) The final billing for the purpose of payoff of the CWHIP loan shall also include a billing for compliance fees to cover monitoring of CWHIP requirements beyond the maturity date of the note. Such fees shall be computed by determining the present value of the annual compliance monitoring fee and multiplying that by the number of years for which the Project will have a set-aside for Eligible Persons beyond the repayment date. The present value discount rate shall be 2.75 percent per annum. Such amount shall be reduced by the amount of any compliance monitoring fees for other programs collected by the Corporation for the Project provided the compliance monitoring fee covers some or all of the period following the anticipated CWHIP loan repayment date.

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

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New _____.

PART III HOMEOWNERSHIP PROJECTS

67-58.070 Credit Underwriting.

The credit underwriting review shall include a comprehensive analysis of the Applicant; the real estate; the economic viability of the Project; the ability of the Applicant and the development team to proceed; the evidence of need for Workforce Housing, in order to determine that the Project meets the Program requirements; and the determination of a recommended CWHIP loan amount.

(1) After the rankings are approved by the Board, the Corporation shall offer all Applicants within the funding range an invitation to enter credit underwriting. The Corporation shall select the Credit Underwriter for each Project.

(2) The invitation to enter credit underwriting constitutes a preliminary commitment.

(3) A response to the invitation to enter credit underwriting must be received by the Corporation and the Credit Underwriter no later than 7 days after the date of the letter of invitation.

(4) If the invitation to enter credit underwriting is accepted:

(a) The Applicant shall submit the credit underwriting fee to the Credit Underwriter within 15 days of the date of the letter of invitation.

(b) Failure to submit the required credit underwriting fee by the specified deadline shall result in withdrawal of the invitation.

(5) If an Applicant fails to submit the fee(s) as required, the Corporation will select additional Application(s) in the priority approved by the Board.

(6) The Applicant has 14 months from the date of the acceptance of the letter of invitation to complete credit underwriting and receive Board approval unless an extension of up to 10 months is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the extension request.

(7) The Credit Underwriter shall verify all information in the Application, including information relative to the Applicant, Developer, general contractor, and other members of the development team.

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

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

(10) If the Credit Underwriter determines that special expertise is required to review information submitted to the Credit Underwriter which is beyond the scope of the Credit Underwriter's expertise, the fee for such services shall be borne by the Applicant.

(11) A full or self-contained appraisal per the Uniform Standards of Professional Appraisal Practice, which shall include a separate appraisal for each model and typical lot being offered for sale, and a separate market study shall be ordered by the Credit Underwriter at the Applicant's expense from an appraiser qualified for the geographic area and product

type not later than completion of credit underwriting. The Credit Underwriter shall review the appraisal to properly evaluate the proposed Project's financial feasibility. Appraisals which have been ordered and submitted by a third party lender which meet the above requirements and are acceptable to the Credit Underwriter may be used instead of the appraisal referenced above. The market study must be completed by a disinterested party who is approved by the Credit Underwriter. The Credit Underwriter shall review and consider the market study, the Project's financial impact on developments in the area previously funded by the Corporation, and other documentation when making its recommendation. The Credit Underwriter shall also review the appraisal and other market documentation to determine if the market exists to support both the demographic and income restriction set-asides committed to within the Application.

(12) The Corporation's assigned Credit Underwriter shall require a guaranteed maximum price or stipulated sum construction contract, which may include change orders for changes in cost or changes in the scope of work. The Credit Underwriter shall review the Project's costs and if it is determined that a pre-construction analysis or a physical needs assessment for Rehabilitation is required, the fee for such analysis shall be borne by the Applicant.

(13) The Credit Underwriter shall request the following information:

(a) From the Applicant and general partners, audited financial statements or financial statements for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications compiled or reviewed in accordance with SSARS. If audited financial statements or financial statement compiled or reviewed in accordance with SSARS are not available, unaudited financial statements prepared within the last 90 days and reviewed by the Credit Underwriter and the two most recent year's tax returns. If the entities are newly formed (less than 18 months in existence as of the date that the credit underwriting information is requested), a copy of any and all tax returns with related supporting notes and schedules; and

(b) From the general contractor:

1. Verification that the general contractor has the requisite knowledge and experience to complete the proposed Project;

2. Narrative regarding experience with residential construction; and

3. Audited financial statements or financial statements compiled or reviewed by a licensed Certified Public Accountant for the most recent fiscal year ended; credit check, banking and trade references; and deposit verifications. The audited or compiled statements may be waived if a payment and performance bond equal to 100% of the total construction cost is issued in the name of the general contractor by a company rated at least "A-" by AMBest & Co.

(14) The Credit Underwriter shall consider the following when determining the need for construction completion guarantees:

(a) Liquidity of the guarantor;

(b) Developer and general contractor's history in successfully completing developments of comparable in size and scope;

(c) Problems encountered previously with Developer or contractor; and

(d) Exposure of Corporation funds compared to Total Development Cost.

At a minimum, the Credit Underwriter shall require a personal guarantee for completion of construction from the principal individual or the corporate general partner of the borrowing entity. In addition, a letter of credit or payment and performance bond will be required if the Credit Underwriter determines after evaluation of paragraphs (a)-(d) in this subsection that additional surety is needed.

(15) The Developer fee shall be limited to 16 percent of the Total Development Cost exclusive of the land cost. A Developer fee on the building acquisition cost shall be limited to 12 percent of the cost of the building exclusive of the land cost.

(16) The general contractor's fee shall be limited to a maximum of 14 percent of the actual construction cost.

(17) The general contractor must secure building permits issued in the name of the general contractor.

(18) The Credit Underwriter shall review and determine if the number of loans and construction commitments of the Applicant and its Principals will impede its ability to proceed with the successful development of each proposed Corporation-funded Project.

(19) All items required by the Credit Underwriter must be provided. If the Credit Underwriter requires additional clarifying materials in the course of the underwriting process, the Credit Underwriter shall request same from the Applicant and shall specify deadlines for the submission of same. Failure to submit required information by the specified deadline, unless an extension of time has been approved by the Corporation, shall result in withdrawal of the Application. If the Application is withdrawn, the Corporation will select additional Application(s) in the priority approved by the Board.

(20) The Credit Underwriter shall complete its analysis and submit a written draft report and recommendation to the Corporation. Upon receipt, the Corporation shall provide to the Applicant the written draft report. The Applicant shall review and provide written comments to the Corporation and Credit Underwriter. The Corporation shall provide to the Credit Underwriter comments on the draft report and, as applicable, on the Applicant's comments. Then, the Credit Underwriter shall review and incorporate, if deemed appropriate, the Corporation's and Applicant's comments and release the

revised report to the Corporation and the Applicant. Any additional comments from the Applicant shall be submitted to the Corporation and the Credit Underwriter. The Credit Underwriter shall provide a final report, which will address comments made by the Applicant, to the Corporation.

(21) The Credit Underwriter's recommendations shall be sent to the Board for approval.

(22) After approval of the Credit Underwriter's recommendation for funding by the Board, the Corporation shall issue a CWHIP loan commitment.

(23) The CWHIP loan and other mortgage loans related to the Project must close within 90 days of the date of the CWHIP loan commitment unless an extension is approved by the Board. All extension requests must be submitted in writing to the program administrator and contain the specific reasons for requesting an extension and detail the timeframe to close the loan. The written request will then be submitted to the Corporation's Board for consideration. The Corporation shall charge an extension fee of one percent of the CWHIP loan amount if the Board approves the request to extend the commitment beyond the period outlined in this rule chapter.

(24) Prior to any CWHIP loan closing:

(a) The Applicant must provide evidence of all necessary consents or required signatures from first mortgagees or subordinate mortgagees to the Corporation and its counsel; and

(b) The Credit Underwriter must have received all items necessary to release its letter confirming that all closing contingencies have been met, including the finalized sources and uses of funds and Draw schedule.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History--New

67-58.080 Terms of the Loan to Public-Private Partnerships.

(1) The proceeds of all loans shall be used for new construction or Rehabilitation of affordable, decent, safe and sanitary housing units.

(2) The CWHIP loan shall be in a first, second or other subordinated lien position.

(3) The loans to Public Private Partnerships shall have interest rates as follows:

(a) One percent simple interest per annum, non-amortizing, will accrue on loans to Projects where long term affordability of at least 30 years is provided and when at least 80 percent of the units are set aside for Workforce Housing and at least 50 percent of the units are set aside for Essential Services Personnel. During construction, interest will accrue at 3 percent simple interest per annum and will be forgiven upon sale of the unit to an Eligible Person.

(b) For CWHIP loans not eligible for forgiveness, 3 percent fully amortized loans to Projects other than those identified in paragraph (a) above:

(c) The amount of any superior mortgages combined with the CWHIP mortgage shall be less than the appraised value of the Project. Any debt service reserve requirement associated with a superior mortgage shall be excluded from the amount of the superior mortgage for purposes of this calculation.

(4) The Corporation shall require adequate insurance to be maintained on the Project as determined by the first mortgage lender or the Corporation's servicer, but which shall, in any case, include fire, hazard and other casualty insurance.

(5) After accepting a preliminary commitment, the Borrower shall not refinance, increase the principal amount, or alter any terms or conditions of any mortgage superior or inferior to the CWHIP mortgage without prior approval of the Board. However, a Borrower may reduce the interest rate on any superior or inferior mortgage loan without the Board's permission, provided that no other terms of the loan are changed. The Corporation shall be notified in writing of any such change prior to the Borrower taking such action.

(6) All CWHIP loans shall be in conformance with applicable federal and state statutes, including the Fair Housing Act as implemented by 24 CFR Part 100, and Titles II and III of the Americans with Disabilities Act of 1990 as implemented by 28 CFR Part 35.

(7) The documents creating, evidencing or securing each CWHIP loan shall provide that any violation of the terms and conditions described in Rule Chapter 67-58, F.A.C., constitutes a default under the CWHIP loan documents allowing the Corporation to accelerate its loan and to seek foreclosure as well as any other remedies legally available to it.

(8) A failure to pay any principal or interest due under the terms of this section shall constitute a default on the CWHIP loan.

(9) The Compliance Period for a CWHIP Project shall be the greater of 20 years, the term of the CWHIP loan, or the term of the affordability period committed to in the Response.

(10) For units set-aside as Workforce Housing, Applicants are responsible for limiting the sales price of any unit to not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all Eligible Persons purchasing the homeownership units occupy the homes as their primary residence, and ensuring that the purchase price of the property after construction does not exceed the appraised value of the property.

(11) The Corporation shall acquire real and personal property or any interest in the Project if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to an Eligible Person without regard to the provisions of Sections 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Project for occupancy by Eligible Persons.

(12) Loans shall be assigned to Eligible Persons on a pro-rata basis with each set-aside unit closing.

(13) Units set aside for Workforce Housing shall be deed-restricted for resale to Eligible Persons at a sales price of not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, at the time of resale.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New

67-58.090 Disbursement of Funds, Draw Requests, and Construction Loan Servicing.

(1) CWHIP loan proceeds shall be disbursed during the construction phase in an amount per Draw which does not exceed the ratio of the CWHIP loan to the Total Development Cost unless approved by the Credit Underwriter.

(2) Ten business days prior to each Draw, the Borrower shall supply the Corporation's servicer, as agent for the Corporation, with a written request executed by the Borrower for a Draw. The request shall set forth the amount to be paid and shall be accompanied by documentation specified by the Corporation's servicer including claims for labor and materials to date of the last inspection.

(3) The Corporation and its servicer shall review the request for a Draw, and the servicer shall provide the Corporation with approval of the request or an alternative recommendation, after the title insurer provides an endorsement to the policy of title insurance updating the policy to the date of the current Draw and increasing the insurance coverage to an amount equal to the sum of all prior Draws and the current Draw, without additional exceptions, except those specifically approved in writing by the Corporation.

(4) The Corporation shall disburse construction Draws through Automated Clearing House (ACH). The Borrower may request disbursement of construction Draws via a wire transfer. The Borrower will be charged a fee of \$10 for each wire transfer requested. This charge will be netted against the Draw amount.

(5) The Corporation shall elect to withhold any Draw or portion of any Draw, notwithstanding any documentation submitted by the Borrower in connection with the request for a Draw, if:

(a) The Corporation or the Corporation's servicer determines at any time that the actual cost budget or progress of construction differs from that as shown on the loan documents; or

(b) The percentage of progress of construction of the improvements differs from that shown on the request for a Draw.

(6) The servicer may request submission of revised construction budgets.

(7) If the Corporation determines that further analysis by the Credit Underwriter is required prior to the release of the final Draw, the Borrower shall pay to the Credit Underwriter a fee based on an hourly rate determined pursuant to the contract between the Corporation and the Credit Underwriter.

(8) Retainage in the amount of 10 percent per Draw shall be held by the servicer during construction until the Project is 50 percent complete. At 50 percent completion, no additional retainage shall be held from the remaining Draws. Release of funds held by the Corporation's servicer as retainage shall occur pursuant to the CWHIP loan agreement.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New

67-58.100 Terms of the Loan to Eligible Persons.

(1) CWHIP loans to Eligible Persons shall be for a period of not more than 30 years. The loan term may exceed 30 years as required to be coterminous with the first mortgage or if otherwise approved by the Board.

(a) For forgivable loans, the loan, including the accruing 1 percent simple interest per annum, shall be forgiven pro-rata each year as long as the set-aside unit remains in compliance.

(b) For loans that are not forgivable, the repayment terms shall be at 3 percent interest fully amortizing for the term of the loan.

(2) The CWHIP loan to an Eligible Person must be in not lower than second position unless otherwise approved by the Board.

(3) Units must be sold to Eligible Persons that qualify at the time of purchase contract execution. Eligible Persons must agree to occupy the unit as their principal residence throughout the period of affordability or transfer the property in accordance with the resale restrictions throughout the period of affordability.

(4) Loans to Eligible Persons shall be evidenced by a properly executed note and secured by a properly executed and recorded mortgage provided by the Corporation.

(5) The Eligible Person must maintain replacement cost hazard insurance naming the Corporation as an additional insured.

(6) A mortgagee policy of title insurance in the amount of the CWHIP loan to the Eligible Person must be provided naming the Corporation as an additional insured.

(7) The Corporation will consider resubordinating its existing second mortgage loan to an Eligible Person to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the following terms of the new transaction: loan type; term of the loan; interest rate; type of interest rate (variable or fixed); principal balance of the loan; reason for requesting subordination of the loan; and whether or not the terms of the new loan are beneficial to the Eligible Person. Eligible Persons requesting resubordination are subject to the following:

(a) The Eligible Person must have resided in the property for at least 1 year prior to requesting the resubordination;

(b) No additional debt can be refinanced into the new first mortgage with the exception of home repairs or improvements;

(c) The Eligible Person cannot receive any cash out as a result of the refinancing; and

(d) The Eligible Person is limited to one resubordination.

(8) Any Eligible Person requesting resubordination is subject to a one time processing fee not to exceed \$50. In the event it is determined that the borrower is not eligible for resubordination, 50 percent of the processing fee will be returned to the Eligible Person. Failure to submit the appropriate documentation and fees may result in a delay in receiving the resubordination agreement.

(9) Eligible Persons must comply with all deed restrictions including those regarding resale of the set-aside unit. Before a unit may resold, the potential purchasers must submit to the Credit Underwriter all documentation necessary for the Credit Underwriter to determine that the potential purchaser qualifies as an Eligible Person. In addition, the Credit Underwriter must determine that the sales price for that set-aside unit is not more than 80 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher. The Credit Underwriter must also verify that the potential purchaser will occupy the set-aside unit as their primary residence.

(10) The Corporation shall acquire real and personal property or any interest in the Project if that acquisition is necessary to protect any loan; sell, transfer, and convey any such property to an Eligible Person without regard to the provisions of Chapters 253 and 270, F.S.; and, if that sale, transfer, or conveyance cannot be consummated within a reasonable time, lease the Project for occupancy by Eligible Persons.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

67-58.110 Permanent Loan Servicing – Annual Review.

The Corporation’s servicer shall annually certify permanent residency and insurance certification of the Eligible Person occupying a CWHIP unit.

Specific Authority Ch. 2006-69, s. 27, LOF, Law Implemented Ch. 2006-69, s. 27, LOF, History–New _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 9, 2006

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

Section III
Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201
RULE TITLE: Inmate Trust Fund
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. 33, (August 18, 2006), issue of the Florida Administrative Weekly:

33-203.201 Inmate Trust Fund.

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

(a) through (g) No change.

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

(2) through (12) No change.

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

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-2	Water Use Permits
RULE NOS.:	RULE TITLES:
40D-2.011	Policy and Purpose
40D-2.021	Definitions
40D-2.041	Permits Required
40D-2.091	Publications Incorporated by Reference
40D-2.101	Content of Application
40D-2.301	Conditions for Issuance of Permits
40D-2.302	Reservations From Use
40D-2.321	Duration of Permits
40D-2.331	Modification of Permits
40D-2.621	Water-Conserving Credits
40D-2.801	Water Use-Caution Areas

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3948 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the board room at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-8	Water Levels and Rates of Flow
RULE NOS.:	RULE TITLES:
40D-8.041	Minimum Flows
40D-8.624	Guidance and Minimum Levels for Lakes
40D-8.626	Minimum Aquifer Levels

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3948 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the boardroom at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE CHAPTER NO.:	RULE CHAPTER TITLE:
40D-80	Recovery and Prevention Strategies for Minimum Flows and Levels
RULE NO.:	RULE TITLE:
40D-80.074	Recovery Strategy for the Southern Water Use Caution Area

NOTICE OF CORRECTION

The Southwest Florida Water Management District hereby gives notice of correction to the Notice of Public Hearing published in Vol. 32, No. 34, Page 3949 on August 25, 2006. The hearing will be held during the Southwest Florida Water Management District’s monthly Governing Board meeting on Tuesday, October 24, 2006, beginning at 9:00 a.m. in the board room at the Brooksville District Offices located at 2379 Broad Street, Brooksville, Florida 33604-6899.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.:	RULE TITLE:
61G1-17.001	Professional Fees and Penalties for Architects

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32 No. 36, September 8, 2006 issue of the Florida Administrative Weekly has been withdrawn. The Notice of Proposed Rulemaking was inadvertently published twice. This withdrawal does not affect the Notice of Proposed Rulemaking for this rule that was published on August 25, 2006, in Vol. 32, No. 34, of the Florida Administrative Weekly.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

RULE NO.:	RULE TITLE:
61G4-12.006	Approved Form; Incorporation

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 47, November 23, 2005 issue of the Florida Administrative Weekly has been withdrawn.

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 Pharmacy

RULE NO.: 64B16-28.303
 RULE TITLE: Destruction of Controlled Substances All Permittees (excluding Nursing Homes)

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 13, April 1, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Podiatric Medicine

RULE NO.: 64B18-12.0011
 RULE TITLE: Application Fees for Initial Licensure and Providership of 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. 30, July 28, 2006 issue of the Florida Administrative Weekly.

The text of the rule shall read as: In order to maintain integrity, the Board is assessing a one time assessment fee on all podiatric physicians of \$375.00, payable by March 31, 2007, in compliance with Section 456.025 FS.

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

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.: 67-37.002
 67-37.005
 RULE TITLES: Definitions
 Local Housing Assistance Plans

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. 29, July 21, 2006 issue of the Florida Administrative Weekly.

67-37.002 Definitions.

(13) "Persons Who Have Special Housing Needs" means individuals who have incomes not exceeding moderate-income and, because of particular social, economic, or health-related circumstances, may have greater difficulty acquiring or maintaining affordable housing. Such persons may have, for example, encountered resistance to their residing in particular communities, and may have suffered increased housing costs resulting from their unique needs and high risk of institutionalization. Such persons include: persons with developmental disabilities; persons with mental illnesses or chemical dependency; persons with Acquired Immune

Deficiency Syndrome ("AIDS") and Human Immunodeficiency Virus ("HIV") disease; runaway and abandoned youth; youth aging out of foster care; public assistance recipients; migrant and seasonal farm workers; refugees and entrants; the elderly; and disabled adults.

67-37.005 Local Housing Assistance Plans.

(1) To be eligible for SHIP funding for a state fiscal year, a county or eligible municipality must submit and receive approval of its local housing assistance plan and amendments thereto as provided in Rule 67-37.006, F.A.C. Plans must be submitted to the Corporation by May 2 preceding the end of the fiscal year in which the current plan expires. New Plans must be submitted utilizing the LHAP Template (6_06), adopted and incorporated herein by reference with an effective date of _____. A complete copy of the LHAP Template (6_06) may be obtained at www.floridahousing.org, by clicking on Housing Partners, then Local Governments (SHIP), then Local Housing Assistance Plans (LHAP), or by contacting Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301. In the case of new eligible municipalities, plans must be submitted to the Corporation by May 2 of the state fiscal year prior to the state fiscal year they are eligible for funding. No SHIP local housing distribution funds shall be distributed in any fiscal year to any county or eligible municipality unless and until an approved plan is in place with respect to such fiscal year.

(5)(d) The proposed sales price of new and existing units, which can be lower but may not exceed 90 percent of median area purchase price established by the U.S. Treasury Department, or as required by Section 420.9075(5)(c), F.S.; for community land trust purposes the value of the land is not included in the purchase price.

(8)(a) Each county and eligible municipality shall include a definition of essential service personnel for the county or eligible municipality. Such definition may include teachers and educators; other school district, community college, and university employees; police and fire personnel; health care personnel; skilled building trades personnel; and other job categories as required by Section 420.9075(3)(a), F.S.

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE CHAPTER NO.: 69A-58
 RULE CHAPTER TITLE: Uniform Firesafety Standards For Educational Facilities
 RULE NOS.: 69A-58.004
 69A-58.0082
 69A-58.0084
 RULE TITLES: Firesafety Inspections
 Relocatable Buildings
 Seclusion Time Out Rooms

NOTICE OF CORRECTION AND
SECOND NOTICE OF CHANGE

Notice is hereby given that the Notice of Change published in Vol. 32, No. 35, September 1, 2006 edition of the Florida Administrative Weekly did not contain all of the changes that were submitted. First, the initial Notice was published in Vol. 32, No. 4, January 27, 2006 edition of the Florida Administrative Weekly, not Vol. 32, No 32, August 11. The affected rules are set forth below as originally submitted in the Notice of Change. In addition, changes were made to subparagraphs 69A-58.004(6)(b)1. and 69A-58.0082(1)(b)4. and 5. as a result of timely written comments to the Notice of Change.

69A-58.004 Firesafety Inspections.

(6) The inspection reports required by subsection (1) shall be submitted to the division by June 30, of each year.

(b) The local fire official shall either:

1. Forward one copy of the completed inspection report for each inspection conducted by the local fire official board to the division electronically by entering it into the "School Inspection Reporting System" database, or

2. Submit the report in any legible format with each violation coded in accordance with Form DFS-KL3-1674 (Rev. 02-06) the "School Inspection Reporting System" database schedule which is adopted herein by reference and retain the original. A copy of the form can be obtained at the Department's website located at www.fldfs.com/SFM/, or by mailing a request to The Florida State Fire Marshall, Bureau of Fire Prevention, 200 East Gaines Street, Tallahassee, Florida 32399-0342.

(7) Any firesafety inspector authorized by a unit of government who is certified in accordance with Section 633.081(2) or Section 633.081(3), F.S. may enter the "School Inspection Reporting System" via the internet at <http://app.bebr.ufl.edu/egroupware/login.php?cd=1>. You may also access the "School Inspection Reporting System" through the Division's website located at www.fldfs.com/SFM/.

69A-58.0082 Relocatable Buildings.

(1) Relocatable buildings sited after March 1, 2002 shall be separated as required by the Florida Building Code.

(b) Relocatable buildings sited within a cluster in accordance with this section are permitted to achieve emergency vehicle access by providing vehicular access to within 200 feet of the entrance of the most remote relocatable unit and shall be provided with an independent fire alarm system with a manual pull station within 100 feet of each egress door.

4. ~~Any Maximum of 20%~~ unprotected opening between adjacent wall spaces shall be as approved by the building official in accordance with Chapter 553, Part IV, Florida Statutes (2005), the "Florida Building Code." ~~and,~~

~~5. The minimum setback for non-combustible relocatable buildings shall be as permitted by local zoning requirements.~~

69A-58.0084 Seclusion Time Out Rooms.

(7) During each unannounced inspection, the division or the local fire official is permitted to inspect secured seclusion time-out rooms, ~~for compliance~~, interview staff, and review staff development activities, ~~and conduct other activities as deemed appropriate~~ to ensure compliance with this rule chapter.

~~(f) Application for a permit need not be on any specific form and is permitted to be in the form of a letter, a memorandum, or a similar document; however, the application must be signed by the school administrator or his or her designee and must include the district's name, the school's name, the school's address, and contact information which must designate the name and phone number of the contact person at the school who is permitted to be the school administrator or anyone designated by the school administrator.~~

~~(g) Each permit shall be valid for a period of not more than one year from the date of issue.~~

Section IV
Emergency Rules

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

RULE NO.: 9BER06-1

RULE TITLE: Community Development Block

Grant Disaster Recovery Initiative

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The expenditure of the funds in the disaster stricken areas where housing, infrastructure, and businesses were severely damaged or destroyed is essential to the health, safety and welfare of the public.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

SUMMARY OF THE RULE: This rule enables the Department of Community Affairs to distribute and administer CDBG disaster recovery funds as expeditiously as possible.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Monya Newmyer, Administrator, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, telephone (850)487-3644

THE FULL TEXT OF THE EMERGENCY RULE IS:

9BER06-1 Community Development Block Grant Disaster Recovery Funding.

(1) The objective of this emergency rule is to address disaster relief, long-term recovery and infrastructure restoration of communities, particularly those persons who are of low and moderate income, that suffered damage or loss as a result of Hurricanes Katrina and Wilma. This emergency rule applies to all grant recipients, whether Urban Entitlements or participants of the Florida Small Cities CDBG Program.

(2) In order to expedite recovery measures, all portions of Rule Chapter 9B-43, F.A.C., are abrogated by this emergency rule, except the following: Rule 9B-43.0031 (Definitions) and Rule 9B-43.0051(2), (3), (4) and (8) (Selected portions of Grant Administration and Project Implementation). In addition, the following emergency rule provisions are applicable.

(3) The following definition is provided for clarification.

(a) "Service area" means the total geographical area to be served by an activity. A service area will encompass all beneficiaries who are reasonably served or would be reasonably served by an activity.

(4) Interlocal Agreements. Eligible applicants proposing eligible activities in other eligible jurisdictions will enter into an Interlocal Agreement with the following provisions or submit documentation of an established relationship between eligible jurisdictions which includes the following provisions.

(a) Includes as parties all local governments whose jurisdictions are included in the project and/or service area(s);

(b) Authorizes the applicant to undertake the activities in all jurisdictions included in the interlocal agreement; and

(c) Affirms that all activities are consistent with each local government's comprehensive plan and provides documentation which includes applicable excerpts of each local government's comprehensive plan in the supporting documentation section of the application.

(5) Units of general local government may utilize up to 3% of the funds allocated for administrative costs as specified in 24 CFR 570.206. This does not include staff and administrative costs directly related to carrying out activities eligible under 24 CFR 570 since those costs are eligible as part of those activities.

(6) Expenditures and Limitations.

(a) Local governments operating on a reimbursement of funds basis must submit at least one request for funds each quarter which reflects actual project expenditures for the quarter.

(b) Local governments may maintain no more than \$25,000 of cash-on-hand to meet daily cash needs. Amounts greater than \$25,000 shall be expended within 14 days or refunded to the Department.

(c) Escrow Accounts. Local governments may draw down CDBG funds and deposit them into an interest-bearing escrow account for restoration of affordable housing. An escrow

account may be established when direct grants or loans are made to owners of private property for the purpose of restoration of affordable housing. The local government must track the requirements for, receipt of, and disbursement of all funds for each housing unit.

1. Funds may be requested only after approval of the contractor and amount of the contract by the local government. If funds are received by the local government prior to the execution of a contract that obligates those funds, those funds will be returned to the Department within seven days of their receipt.

2. Funds requested and escrowed for use on housing units shall not be used for any other purpose.

3. Funds requested and escrowed for a housing unit must be expended on that housing unit within 45 days from date of deposit in the escrow account or be returned to the Department.

4. Interest earned on escrow accounts shall be reported quarterly to the Department.

(7) Program Income. Any program income earned as a result of activities funded under this grant must be reported to the Department, but may be retained for the life of the grant by the local government and used to continue the CDBG disaster recovery activity from which the funds were generated. Contractual agreements will provide additional guidelines for utilization of program income funds.

(8) Applicants and/or beneficiaries must provide documentation of funds received from other sources which were applied toward the costs of the project funded by these disaster recovery funds.

(9) Amendments. All proposed amendments must be approved by the Department.

(a) Documentation Required. All requests for subgrant agreement amendments shall include the following written documentation for review by the Department:

1. A cover letter signed by the Chief Elected Official or his or her designee which describes the need for the proposed changes and their effect upon the approved project.

2. All application forms that would be changed by the proposed amendment.

3. If applicable, a revised activity work plan.

4. If applicable, a revised budget showing the current and amended budget.

5. If there is a change in activity location, a legible map which indicates the proposed change.

6. If applicable, a copy of the minutes of the meeting of the Citizen's Advisory Task Force (CATF) when the proposed amendment was reviewed.

7. If applicable, a copy of the public notice for the public hearing at which the amendment was approved.

8. Signature of the Chief Elected Official on Form DCA 07.02, Request for Amendment, provided by the Department upon request, which is hereby incorporated by reference, or documentation from the local governing body authorizing the proposed amendment.

(b) The amendment must be received by the Department at least 45 days prior to the end of the subgrant agreement. If the amendment is extending the subgrant agreement period, it must be received by the Department at least 90 days prior to the end of the subgrant agreement.

(c) If the local government requests administrative closeout prior to the termination date of the subgrant agreement, any amendment affecting closeout and requiring Department approval must be included with the closeout.

(d) Time Extensions to Subgrant Agreements. Any proposed amendment extending the termination date of the subgrant agreement must be approved by the Department. The local government must explain any delay affecting project completion and must justify the need for the extension.

(10) Subgrant Closeout.

(a) At the time of submission of the closeout report, the local government must have available documentation which verifies its certification that all construction has been completed, inspected and approved by all parties prior to the subgrant agreement end date and submission of the administrative closeout.

(b) An administrative closeout may be submitted only when the local government has no more than \$5,000 in total funds on hand. All funds drawn from the Department and not expended that exceed \$5,000 must be returned to the Department prior to or with the submission of the closeout. If the local government has transferred funds from the regular CDBG administrative account or the escrow account and these funds remain under the control of the local government, the funds are not considered expended for purposes of administrative closeout.

(c) Upon completion of the activities contained in the local government's CDBG subgrant agreement, including any amendments, the local government shall submit to the Department a closeout which, at a minimum, gives the final statement of costs, certifies that the project and all non-administrative activities are completed and accepted, that all costs except those reflected on the closeout have been paid and reports demographics of the program's beneficiaries.

(d) If any change has been made since the application map or the last map amendment, the closeout shall also contain a revised map of the activities completed during the term of the CDBG contract.

(e) The closeout for Housing contracts shall, at a minimum, include a list of the households assisted by the contract and certify that they were within the local government's jurisdiction. Additional information required by HUD may be requested.

(f) For activities where hookups or connections are required for beneficiary access to the public improvement, evidence at the time of closeout must show:

1. The total number of persons in all households in the service area;

2. The number of low and moderate income persons in households connected to the infrastructure; and

3. Projects meeting the LMI national objective must document that the number of LMI persons in households connected to the infrastructure divided by the total number of beneficiaries in the service area equals at least 51 percent or higher.

(g) The closeout must contain original signatures. Facsimile (FAX) submissions are not acceptable.

(h) If a local government fails to meet contractual requirements on time, the Department reserves the right to require that a local government financially (not administratively) close out a subgrant agreement in order to meet federal requirements for the timely distribution of funds set by HUD.

(i) The closeout is due within 45 days after expiration or termination of the subgrant agreement.

(11) Beneficiaries of Public Improvements. For activities where hookups or connections are required for beneficiary access to CDBG-funded infrastructure, low and moderate income benefit shall be determined by the number of low and moderate income persons in households connected to and able to use the water, sewer or other infrastructure at the time of administrative closeout. For activities where hookups or connections are required as a condition for beneficiary access to a CDBG funded infrastructure, no hookup or connection fees shall be charged to very-low, low or moderate-income beneficiaries. Further, no portion of the project construction costs shall be charged to very-low, low or moderate-income beneficiaries.

(12) Housing Rehabilitation Standards. Upon completion of the housing rehabilitation program, all housing units addressed with CDBG funds must be in compliance with the subgrantee's local housing code and the HUD Section 8, Housing Quality Standards. This requirement does not apply if the construction activity is limited to water hookups, sewer hookups, the abandonment of wells, or the abandonment of septic systems with no internal or external modifications to the housing structure.

(13) If manufactured housing units are used for replacement housing, they must meet the following specifications:

(a) Manufactured housing units must be built to HUD post-1994 construction standards.

(b) The units must be new, previously uninstalled manufactured housing units.

(c) Units must bear HUD compliance certification meeting HUD wind resistance construction standards for wind zone 3.

(d) The county shall inspect and approve the installation of all manufactured housing units.

(e) Units must be installed to the manufacturer's installation instructions.

(f) These funds may not be used for furniture or interior design costs, insurance, financing points, or add-on structures.

(g) Replacement units may be placed on leased land or resident-owned land.

(h) Site location must meet minimum safety criteria (e.g., not located in floodplain, not in high velocity wind zone, etc.).

(i) Units must be for owner-occupancy.

(j) The costs of each manufactured housing unit must not exceed the appraised value of the unit per the Fannie Mae/Freddie Mac manufactured housing appraisal guidelines currently in effect (e.g., Fannie Mae, Announcement 03-06, Appraisal Guidelines for Manufactured Housing).

Specific Authority 290.044 FS, Law Implemented 290.0401-.048 FS, History--New 9-7-06.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: September 7, 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 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**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN that on September 7, 2006, the Health Care Clinic Unit, Bureau of Health Facility Regulation, Division of Health Quality Assurance of the Agency for Health Care Administration, received a petition for Waiver of Rule 59A-33.013, F.A.C., which rule limits the number of clinics a medical and clinic director may supervise to five (5) clinics. The petitioner, Open Magnetic Imaging, Inc., OMI of Aventura, Inc., OMI of Aventura II, Inc., OMI CT of Aventura, Inc., OMI of Miami Lakes, Inc., OMI CT of Miami Lakes, Inc., OMI of Coral Gables, Inc., OMI of Kendall, Inc., Open Magnetic Imaging of Coral Springs, Ltd., Open Magnetic Imaging of Plantation, Ltd., OMI of Plantation, Inc., OMI CT of Plantation, Inc., OMI of Ft. Lauderdale, Inc., OMI CT of Ft. Lauderdale, Inc., Open Magnetic Imaging of Pembroke Pines, Ltd., OMI of Jupiter, Inc., OMI of Palm Beach, Inc., OMI of Wellington, Inc., OMI of Boynton Beach, Inc., OMI of West Boca, Ltd., OMI of Jacksonville, Inc. and OMI of Orange Park, Inc., an MRI provider having 21 clinics in Florida, requests a waiver of this rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Gail Priest, Health Care Clinic Unit, 2727 Mahan Drive, Mail Stop #53, Tallahassee, Florida 32308. The Health Care Clinic Unit will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (EDT).

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on August 28, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1), and 61C-4.010(6), Florida Administrative Code from Carolina's Super Snack Food Service located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 29, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Goodfells Pizza located in Fort

Pierce. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....They are requesting a variance to have ten (10) seats with no public bathrooms in the facility. They are requesting to use centrally located bathroom facilities.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 25, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code from Original Maryland Fried Chicken located in Orlando. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of twenty-nine (29).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 25, 2006, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraph 61C-4.010(7)(e), Florida Administrative Code from Rocky's Italian Ice located in Miami. The above referenced F.A.C. states public food service establishments which seat 10 persons or less shall be required to provide a minimum of one bathroom accessible to the public. They are requesting a variance to not add a bathroom facility for customer or employee access, instead use bathroom facilities provided by the landlord.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 23, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Subway Restaurant located in

Miami. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of eighteen (18).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on August 21, 2006, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code from Wok-N-Roll Chinese Restaurant located in Largo. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... They are requesting a variance to not add an additional bathroom facility for customer use and have a seating capacity of twenty-eight (28).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013. The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on September 6, 2006, the Board of Accountancy has issued an order.

The Petition for Waiver or Variance was filed on February 8, 2006, by Jose Ignacio Fernandez. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 10, of the March 10, 2006, F.A.W. The Petitioner sought a waiver or variance of paragraph 61H1-28.0052(4)(a), F.A.C., entitled "Number of Sittings, and Granting of Credit, Release of Grades and Completion of Examination, Transition Rules" with regard to allowing an extension of time for passing all four sections of the CPA examination. The Board considered the instant Petition at a duly-noticed public meeting, held April 21, 2006, in Tampa, Florida. The Board granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.306, F.S., would be met by granting a variance or waiver from paragraph 61H1-28.0052(4)(a), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 Northwest 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN that on September 6, 2006, the Board of Accountancy has issued an order.

The Petition for Waiver or Variance was filed on March 13, 2006, by Ellen K. Rampell. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 13, of the March 31, 2006, Florida Administrative Weekly. The Petitioner sought a waiver or variance of subsection 61H1-33.001(1), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" with regard to allowing an extension of time for completing the examination on Chapters 455 and 473, Florida Statutes. The Board considered the instant Petition at a duly-noticed public meeting, held April 21, 2006, in Tampa, Florida. The Board granted the petition finding that Petitioner established that the purpose of the underlying statute, Section 473.311, would be met by granting a variance or waiver from subsection 61H1-33.001(1), F.A.C. The Board further found that Petitioner had established that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 Northwest 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN that on September 6, 2006, the Board of Accountancy has issued an order.

The Petition for Waiver or Variance was filed on April 24, 2006, by Michael Palvisak. The Notice of Petition for Waiver or Variance was published in Vol. 32, No. 19, of the May 12, 2006, F.A.W. Petitioner sought a waiver or variance of subsection 61H1-33.001(2), F.A.C., entitled "Certified Public Accountants Required to Comply with this Chapter" that sets out the reestablishment period during which licensees must complete required continuing education. The Board considered the instant Petition at a duly-noticed public meeting, held June 9, 2006, in Tampa, Florida. The Board denied the petition finding that Petitioner had not established that the purpose of the underlying statute, Section 473.311, F.S., would be met by granting a variance or waiver from subsection 61H1-31.001(2), F.A.C. The Board further found that Petitioner had not established that applying the requirements of the aforementioned Rule to his circumstances would violate the principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Acting Division Director, Board of Accountancy, 240 Northwest 76th Dr., Suite A, Gainesville, Florida 32607.

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 September 1, 2006, the Department of Environmental Protection, received a petition for variance or waiver pursuant to Section 120.542, Florida Statutes, and Rule 28-104, F.A.C., from Thomas G. Tomasello, P.A., on behalf of Stephen Homes and Deborah McAlexander, WL-831 AR V. The property is located at 157 Seaward Dr., Santa Rosa Beach, in Walton County. The petition requests a variance or waiver of subparagraph 62B-33.0051(1)(a)1., F.A.C., which provide the conditions by which construction of armoring shall be authorized. The petitioner is seeking a permanent variance or waiver from the above cited Rule.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rosaline Beckham at (850)488-7815, or by e-mail: rosaline.beckham@dep.state.fl.us. The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304. Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 30 days of the date of this publication.

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that on September 5, 2006, the Department of Health received a Petition for Variance from Hibiscus Mobile Haven. The petition requests relief from the minimum sanitary facilities and dump station as required in Chapter 64E-15, F.A.C. The Oak Mobile Park is located at 4115 Aurora Road, Melbourne, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN that on September 5, 2006, the Department of Health received a Petition for Variance from Oak Mobile Park. The petition requests relief from the minimum sanitary facilities and dump station as required in Chapter 64E-15, F.A.C. The Oak Mobile Park is located at 915 Florida Avenue, Cocoa, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN that on September 5, 2006, the Department of Health received a Petition for Variance from Southgate Mobile Homes. The petition requests relief from the minimum sanitary facilities and dump station as required in Chapter 64E-15, F.A.C. Southgate Mobile Homes is located at 8817 N. Atlantic Avenue, Cape Canaveral, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of publication of this notice. A copy of the Petition may be obtained from: David B. Wolfe, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1710, or by calling (850)245-4277.

NOTICE IS HEREBY GIVEN that on August 29, 2006, the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, received a petition for Sherie Wildermuth, seeking a waiver from Rule 64B4-3.003, F.A.C., with regard to the examination for licensure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, at above address or telephone (850)245-4444.

Notice is hereby given that on September 6, 2006, the Department of Health received a Petition for Variances from subparagraph 64E-13.004(6)(a)5., Florida Administrative Code from Jordan Street Seventh-Day Christian Academy located at 1275 East Jordan Street, Pensacola, Florida. This rule requires schools group toilets to be equipped with floor drains and hose bibs in the restroom facilities. The Jordan Street Seventh-Day Christian Academy is a private school located in Pensacola, Florida.

Comments on this petition should be filed with: Sam Power, Agency Clerk, Department of Health, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703, within 14 days of this notice. A copy of the Petition may be obtained from: Lucy Schneider, Office of General Counsel, 4052 Bald Cypress Way, BIN A02, Tallahassee, Florida 32399-1703 or by calling (850)245-4024.

NOTICE IS HEREBY GIVEN that on September 8, 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: Jodi Marie Kimberl, Robertta L. Martis Manger and Brooke Higgins. The petition for Jodi Marie Kimberl was filed with the Department and was noticed in the F.A.W. on August 25, 2006, Vol. 32, No. 34, pp 3983. The petitions for Robertta L. Martis Manger and Brooke Higgins were filed with the Department and were noticed in the F.A.W. on September 1, 2006, Vol. 32, No. 35, pp 4114.

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

DEPARTMENT OF STATE

The **Department of State, Division of Library and Information Services** announces a State Library Council Meeting. All persons are invited.

DATE AND TIME: Wednesday, October 11, 2006, 8:30 a.m. – 11:30 a.m.

PLACE: Embassy Suites Hotel Jacksonville-Baymeadows, 9300 Baymeadows Road, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will review and discuss programs and issues related to the Division of Library and Information Services. As a side item of the Council meeting, the Friends of the State Library and Archives of Florida Inc.'s Board of Directors and State Library Council members will host an Annual Friends' Membership Meeting where they will discuss the State Library and Archives' community support organization and address any questions and/or concerns its members may have.

For additional information contact: Judith A. Ring, State Librarian, (850)245-6600 or Suncom 205-6600.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600 or TDD (850)922-4085.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services** announces a quarterly field trip and business meeting of the Subcommittee on Managed Marshes to which all persons are invited.

DATES AND TIMES: October 17, 2006, 1:00 p.m. – 4:00 p.m.; October 18, 2006, 8:00 a.m. – 4:00 p.m.

PLACE: Hampton Inn – Perry, 2399 South Byron Butler Parkway, Perry, FL, (850)223-3000

Questions and Comments may be directed to: Doug Carlson, Chairman, (772)562-2393, dcarlson1@hotmail.com

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education**, Education Practices Commission, announces a Teacher Hearing Panel and Business Meeting to which all interested persons are invited.

Teacher Hearing Panel

DATE AND TIME: September 28, 2006, 9:00 a.m.

Business Meeting

DATE AND TIME: September 28, 2006, 1:00 p.m.

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact: Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

Additional information may be obtained by writing: the Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

The Florida **Center for Nursing** will host a Fall 2006 Summit: Improving the Work Environment to Retain Nurses, to which all interested persons are invited to participate.

DATE AND TIME: Wednesday, October 4, 2006, 9:00 a.m. – 3:30 p.m.

For further information contact: Cathy, (407)823-0981.

The **Florida Center for Nursing** will conduct a Board of Directors meeting to which all interested persons are invited to participate.

DATE AND TIME: Thursday, October 5, 2006, 9:00 a.m. – 2:00 p.m.

PLACE: For further information contact: Cathy, (407)823-0981.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public hearing to which all interested parties are invited.

DATE AND TIME: October 3, 2006, 10:00 a.m.

PLACE: Seminole County Services Building, Room 3024, 1101 East First Street, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Seminole County. Entities interested in contracting with DCA to provide these services should be present at this public hearing in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entity's experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and the entity's capacity to undertake a timely and effective weatherization program. Preference will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The DCA will review all submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Seminole County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public hearing, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this hearing because of a disability or physical impairment should contact: the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the hearing. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Anyone who wants a copy of the agenda or additional information on this hearing may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

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

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Additional information may be obtained by writing: the Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of the Training Task Force to which all persons are invited.

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

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the ongoing work of the District Response Teams Subcommittee to the Training Task Force and other hazardous materials training issues.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

Additional information may be obtained by writing: the Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting of all Local Emergency Planning Committees chairpersons and staff contacts to which all persons are invited.

DATE AND TIME: October 5, 2006, 1:30 p.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the activities and goals of the Local Emergency Planning Committees in implementing the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing: the Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **State Emergency Response Commission (SERC)** for Hazardous Materials announces a meeting to which all persons are invited.

DATE AND TIME: October 6, 2006, 10:00 a.m.

PLACE: Department of Environmental Protection, 3800 Commonwealth Boulevard, Carr Building, Room 170M, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the requirements of the Emergency Planning and Community Right-To-Know Act, also known as Title III of the Superfund Amendments and Reauthorization Act of 1986.

A copy of the agenda may be obtained by writing: the Department of Community Affairs, State Emergency Response Commission for Hazardous Materials, Capital Circle Office Center, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or by telephoning (850)413-9970.

If a person decides to appeal any decision with respect to any matter considered at the above cited meeting, you will need a record of the proceedings, and for such purpose you 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 Compliance Planning Section, (850)413-9970, at least five calendar days prior to the meeting. If you are hearing or speech impaired, please call the Compliance Planning Section using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs, Division of Emergency Management**, announces the following public meeting to which all interested persons are invited.

COMMITTEE: Hurricane Loss Mitigation Program Advisory Council; Residential Construction Mitigation Program

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

PLACE: Long Term Recovery Office, Room 9, 100 Sunport Lane, Orlando Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a Hurricane Loss Mitigation Program Advisory Council (RCMP) meeting pursuant to Section 215.559, Florida Statutes.

For more information, please contact: Iris Stanley, Planning Manager, Division of Emergency Management, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100, (850)922-4454.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will be taped by the Division of Emergency Management.

Any person requiring special accommodation at the meeting because of a disability or physical impairment should contact: Iris Stanley, Department of Community Affairs, (850)922-4454, at least ten (10) days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Florida Communities Trust** announces the Florida Local Government and Environmental Non-Profit Land Acquisition Summit. Members of the FCT Governing Body are expected to attend and participate in the dialogue focusing on the future of public land acquisitions at the local level.

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

PLACE: Marriott Sawgrass Resort, 1000 PGA Tour Blvd., Ponte Vedra Beach, Florida 32082, 1(800)457-4653 or visit www.sawgrassmarriott.com for directions.

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discuss the future of public land management and acquisition at the local level.

ACTION TO BE TAKEN: Participate in the dialogue and brainstorm on future actions. To obtain a copy of the agenda, contact the Trust at (850)922-2207.

If any person desires to appeal any decision with respect to any matter considered at the meeting, such person will need a record of the proceeding and may need to insure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

Persons requiring a special accommodation for a disability or physical impairment should contact: Florida Communities Trust, (850)922-2207, SunCom 292-2207, at least five days prior to the meeting. If hearing or speech impaired, contact Florida Communities Trust using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public hearing to which all persons are invited.

DATE AND TIME: September 19, 2006, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of adoption of the proposed amendments to Rule 12B-7.0225, F.A.C. (Computation of Phosphate Rock Tax Rate). A Notice of Proposed Rulemaking for the proposed rule changes was published in the F.A.W. on June 23, 2006 (Vol. 32, No. 25, pp. 2817-2819). A Notice of Change was published in the September 8, 2006, edition of the F.A.W.

NOTICE UNDER THE AMERICANS WITH DISABILITIES ACT: Any person requiring special accommodations to participate in this hearing is asked to advise the Department at least 48 hours before the hearing by contacting: Larry Green, (850)922-4830. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF TRANSPORTATION

The **Florida Seaport Transportation and Economic Development Council** and the Florida Ports Financing Commission announce a meeting to which all interested persons are invited.

DATE AND TIME: September 27, 2006, 1:00 p.m. – 6:00p.m.

PLACE: Hotel InterContinental, 100 Chopin Plaza, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

The **Florida Ports Council** announces a meeting to which all interested persons are invited.

DATE AND TIME: September 28, 2006, 8:30 a.m. – 10:30 p.m.

PLACE: Hotel InterContinental, 100 Chopin Plaza, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Information on the meeting may be obtained by contacting: Toy Keller, Florida Ports Council, 502 East Jefferson Street, Tallahassee, Florida 32301, (850)222-8028.

Any person wishing to appeal any decision made with respect to any matter considered at the above cited meeting will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with provisions of the Americans with Disabilities Act, persons requiring special accommodations to participate in this public meeting should advise: Toy Keller, (850)222-8028.

The **Department of Transportation**, District Five announces a public hearing to which all persons are invited.

DATE AND TIMES: Thursday, October 19, 2006, Project Information, 5:00 p.m. – 6:00 p.m.; 6:00 p.m. the formal portion of the public hearing begins with a project presentation followed by a public testimony period.

PLACE: Sanford Civic Center, 401 E. Seminole Blvd., Sanford, Florida 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID Number: 415587-1-22-01, otherwise known as the International Parkway/State Road (SR) 417 Interchange Project Development and Environment (PD&E) Study in Seminole County, Florida. The project study covers an area between I-4 and International Parkway in Seminole County, a distance of approximately 0.5 miles. The project is a proposed new connection between SR 417 and International Parkway.

A copy of the agenda may be obtained by writing: Mr. Decuir at the address below.

Anyone needing Project or Public Hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write: Mr. Lance Decuir, E.I., Project

Manager, FDOT District 5, 719 South Woodland Boulevard, M.S. #501, DeLand, Florida 32720-6834, (386)943-5383. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the Public Hearing.

The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIMES: October 19, 2006, Open House, 6:00 p.m.; Public Hearing, 7:00 p.m.

PLACE: Venice Community Center, 326 S. Nokomis Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to allow persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental impacts of the Design Change Reevaluation of the Project Development and Environment (PD&E) Study completed in 1994 for U.S. 41 (Venice Bypass) in Venice, from Center Road to south of U.S. 41 Business North; Financial Project ID Number 198017-2-32-01. The proposed improvements to U.S. 41 (Venice Bypass) consist of upgrading the existing four-lane roadway to a six-lane divided urban roadway from Center Road to Bird Bay Drive. This project is located partially in the City of Venice and partially in Sarasota County.

A copy of the agenda may be obtained by writing: Mr. Chris Piazza, FDOT, District One Office, P. O. Box 1249, Bartow, FL 33831.

Anyone needing project or public hearing information, or special accommodations pursuant to the Americans with Disabilities Act of 1990, should contact: Mr. Chris Piazza, 1(800)292-3368 or by writing to the address above, at least seven (7) days prior to the public hearing.

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."

The **Department of Environmental Protection**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 12, 2006, 1:00 p.m.

PLACE: St. Joseph Bay Buffer Preserve Center, 3915 Highway C-30, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: St. Joseph Bay Aquatic Preserve Advisory Committee meeting. The purpose is to brief members of the Advisory Committee on their role in assisting in the management plan development process.

A copy of the agenda may be obtained by contacting: Aquatic Preserve Manager, Kim Wren, (850)653-8063.

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: Aquatic Preserve Manager, Kim Wren, (850)653-8063. 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**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 25, 2006, 7:00 p.m.

PLACE: St. Joseph Bay Buffer Preserve Center, 3915 Highway C-30, Port St. Joe, FL 32456

GENERAL SUBJECT MATTER TO BE CONSIDERED: St. Joseph Bay Aquatic Preserve Management Plan Public Scoping Meeting. The purpose is to inform the public on the management plan development process and to solicit input on issues they are interested in seeing addressed in the plan.

A copy of the agenda may be obtained by contacting: Aquatic Preserve Manager, Kim Wren, (850)653-8063.

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: Aquatic Preserve Manager, Kim Wren, (850)653-8063. 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).

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

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

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly Scheduled Meeting for all Parole, Conditional Release, Conditional Medical Release, Addiction Recovery and Control Release matters as well as other Commission business.

A copy of the agenda may be obtained by writing: Florida Parole Commission, 2601 Blair Stone Road, Building C, Tallahassee, Florida 32399-2450.

Any person who decides to appeal a decision of the Florida Parole Commission with respect to a matter considered at this meeting may need to ensure that a verbatim record of the proceedings is made, Chapter 80-150, Laws of Florida (1980).

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)488-3417.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** will consider at its Agenda Conference, Docket No. 060590-EI, Application of Tampa Electric Company for authority to issue and sell securities pursuant to Section 366.04, Florida Statutes, and Chapter 25-8, Florida Administrative Code. The Company seeks PSC approval pursuant to Section 366.04, Florida Statutes, to issue, sell and/or exchange equity securities and issue, sell, exchange and/or assume long-term debt securities and/or to assume liabilities or obligations as guarantor, endorser, or surety in an aggregate amount not to exceed \$900 million, during the twelve month period, ending December 31, 2007. The Company also seeks approval pursuant to Section 366.04, Florida Statutes, to issue, sell, exchange and/or assume short-term debt securities with the maximum amount of short-term debt outstanding at any one time being \$800 million, during the twelve month period, ending December 31, 2007. Additionally, the Company seeks authority to enter into interest rates swaps or other derivative instruments related to debt securities.

DATE AND TIME: Tuesday, October 3, 2006, 9:30 a.m. (although the time at which this item will be heard cannot be determined at this time)

PLACE: Commission Hearing Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To take final action in Docket No. 060590-EI.

Any person requiring some accommodation at this hearing 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: Katherine Fleming, Office of the General Counsel, (850)413-6218.

The Florida **Public Service Commission** announces a customer meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO. 060255-SU – Application for increase in wastewater rates in Pinellas County by Tierra Verde Utilities, Inc.

DATE AND TIME: Wednesday, October 4, 2006, 6:00 p.m.

PLACE: City of St. Petersburg Beach, City Hall, City Commission Chambers, 155 Corey Ave., St. Petersburg Beach, FL 33706, (727)363-9920

GENERAL SUBJECT MATTER TO BE CONSIDERED: To give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed wastewater rate increase, and to ask questions and comment on other issues.

A copy of the agenda for any meeting may be obtained by writing: Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this customer meeting because of a physical impairment should call: the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the customer meeting. Any person who is hearing or speech impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the Customer Meeting.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel, (850)413-6199.

The Florida **Public Service Commission** announces a customer meeting in the following docket, to which all interested persons are invited.

Docket No. 060261-WS – Application for increase in water and wastewater rates in Lake County by Utilities, Inc. of Pennbrooke.

DATE AND TIME: Tuesday, October 10, 2006, 6:00 p.m.

PLACE: Grand Hall at Pennbrooke Fairways, 33825 Pennbrooke Parkway, Leesburg, Florida 34748

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the quality of service the Utility provides, the proposed rate increase, and to ask questions or make comments on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission

staff will have sign-up sheets, and customers will be called in the order that they sign up to speak. One or more Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the meeting. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For further information, contact: Jennifer Brubaker, Office of the General Counsel, (850)413-6228.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: the Office of the General Counsel, (850)413-6199.

The Florida **Public Service Commission** announces a customer meeting to be held in the following docket, to which all interested persons and parties are invited to attend.

DOCKET NO. 060260-WS – Application for increase in water and wastewater rates in Highlands County by Lake Placid Utilities, Inc.

DATE AND TIME: Wednesday, October 11, 2006, 6:00 p.m.

PLACE: DeeAnn Lakefront Estates Clubhouse, 409 Stephen Drive, Lake Placid, FL 33852, (863)465-7952

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is to give customers and other interested persons an opportunity to offer comments to the Public Service Commission staff regarding the quality of service the utility provides, the proposed rate increase, and to ask questions or make comments on other issues. Commission staff will be available to address and coordinate customers' comments and to assist members of the public. A representative from the utility may also be in attendance. At the beginning of the meeting, procedures will be established for the order of comments. The Public Service Commission staff will have sign-up sheets, and customers will be called in the order that they sign up to speak. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the meeting.

Any person requiring some accommodation at this customer meeting because of a physical impairment should call: the Division of the Commission Clerk and Administrative Services, (850)413-6770, at least 48 hours prior to the customer meeting. Any person who is hearing or speech

impaired, please contact the Florida Public Service Commission using the Florida Relay Service, 1(800)955-8771 (TDD).

For further information, contact: Katherine Fleming, Office of the General Counsel, (850)413-6218.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website (<http://www.psc.state.fl.us/>) under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling: the Office of the General Counsel, (850)413-6199.

The Florida **Public Service Commission** announces a prehearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 060001-EI – Fuel and purchased power cost recovery clause with generating performance incentive factor.

Docket No. 060002-EG – Energy conservation cost recovery clause.

Docket No. 060003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 060004-GU – Natural gas conservation cost recovery.

Docket No. 060007-EI – Environmental cost recovery clause.

DATE AND TIME: October 23, 2006, 9:30 a.m. (EDT)

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and, (6) such other matters as may aid in the disposition of the action.

Any person requiring some accommodation at this prehearing 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 prehearing. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Public Service Commission** announces a hearing to be held in the following dockets, to which all interested persons are invited.

Docket No. 060001-EI – Fuel and purchased power cost recovery clause and generating performance incentive factor.

Docket No. 060002-EG – Energy conservation cost recovery clause.

Docket No. 060003-GU – Purchased gas adjustment (PGA) true-up.

Docket No. 060004-GU – Natural gas conservation cost recovery.

Docket No. 060007-EI – Environmental cost recovery clause.

DATES AND TIMES: November 6, 2006, 9:30 a.m.; November 7-8, 2006, starting times will be announced at the conclusion of the hearing on November 6, 2006 and November 7, 2006, respectively. The hearing may be adjourned early if all testimony is concluded.

PLACE: Room 148, The Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing shall be to receive testimony and exhibits relative to issues and subjects, including but not limited to, the following:

1. Determination of the Projected Levelized Fuel Adjustment Factors for all investor-owned electric utilities for the period January 2007 through December 2007;
2. Determination of the Estimated Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2006 through December 2006;
3. Determination of the Final Fuel Adjustment True-Up Amounts for all investor-owned electric utilities for the period January 2005 through December 2005, which are to be based on actual data for that period;
4. Determination of Generating Performance Incentive Factor Targets and Ranges for the period January 2007 through December 2007;
5. Determination of Generating Performance Incentive Factor Rewards and Penalties for the period January 2005 through December 2005.
6. Determination of the Projected Capacity Cost Recovery Factors for the period January 2007 through December 2007.
7. Determination of the Estimated Capacity Cost Recovery True-Up Amounts for the period January 2006 through December 2006.
8. Determination of the Final Capacity Cost Recovery True-Up Amounts for the period January 2005 through December 2005, which are to be based on actual data for that period.
9. Determination of the Projected Conservation Cost Recovery Factors for certain investor-owned electric and gas utilities for the period January 2007 through December 2007.
10. Determination of Conservation Actual/Estimated Amounts for certain investor-owned electric and gas utilities for the period January 2006 through December 2006.
11. Determination of the Final Conservation True-up Amounts for the period January 2005 through December 2005 for certain investor-owned electric and gas utilities, which are to be based on actual data for that period.
12. Determination of the Purchased Gas Adjustment Cost Recovery Factors for the period January 2007 through December 2007.
13. Determination of Estimated Purchase Gas True-Up Amounts for the period January 2006 through December 2006.
14. Determination of the Final Purchased Gas True-Up Amounts for the period January 2005 through December 2005.
15. Determination of the Projected Environmental Cost Recovery Factors for the period January 2007 through December 2007.
16. Determination of the Estimated Environmental Cost Recovery True-Up Amounts for the period January 2006 through December 2006.
17. Determination of the Final Environmental Cost Recovery True-Up Amounts for the period January 2005 through December 2005, which are to be based on actual data for that period.

All witnesses shall be subject to cross-examination at the conclusion of their testimony. The proceedings will be governed by the provisions of Chapter 120, F.S., and Chapter 25-28, F.A.C.

Any person requiring some accommodation at this hearing 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 Commission by using the Florida Relay Service, 1(800)955-8771 (TDD).

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council Independent Production Incentive Task Force will be hosting a panel discussion. This is a public event to which all persons are invited.

DATE AND TIME: Saturday, September 23, 2006, 11:30 a.m.

PLACE: Orange County Convention Center, 9800 International Drive, Orlando, FL 32819

GENERAL SUBJECT MATTER TO BE CONSIDERED: To have a panel discussion and a Q & A session to gain feedback from the community on Independent Filmmaking needs and how the state can better serve Florida's indie filmmaking community.

If you have any questions, please feel free to contact: Sharon Jacobs, Executive Assistant, the Office of Film and Entertainment, (850)410-4765.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council will convene in a Membership Committee meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 29, 2006, 8:15 a.m.

PLACE: Doubletree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, (305)296-6962

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general membership matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Sharon Jacobs, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001, (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

The **Office of Film and Entertainment** and the Florida Film and Entertainment Advisory Council will convene in a quarterly meeting. This is a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 29, 2006, 9:00 a.m. – 1:00 p.m.

PLACE: Double Tree Grand Key Resort, 3990 South Roosevelt Boulevard, Key West, FL 33040, (305)293-1818

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general administrative matters of the Advisory Council.

A copy of the agenda may be obtained by writing: Sharon Jacobs, Executive Assistant, The Office of Film and Entertainment, State of Florida, Executive Office of the Governor, Suite 2002, The Capitol, Tallahassee, Florida 32399-0001 or calling (850)410-4765.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to ensure verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, any handicapped person wishing to attend this meeting should contact the Commission at least 48 hours prior to the meeting in order to request any special assistance.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces the following meetings to which all persons are invited.

MEETING: Executive Committee

DATE AND TIME: September 28, 2006, 6:00 p.m.

PLACE: Suwannee County Office Annex, 27055 83rd Place, Branford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee.

MEETING: Clearinghouse Committee

DATE AND TIME: September 28, 2006, 6:00 p.m.

PLACE: The Gathering Cafe, 26804 State Road 247, Branford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee.

MEETING: North Central Florida Regional Planning Council

DATE AND TIME: September 28, 2006, 7:30 p.m.

PLACE: The Gathering Cafe, 26804 State Road 247, Branford, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of any of these agendas may be obtained by: emailing ncfrpc@ncfrpc.org or writing: NCFRPC, 2009 N. W. 67 Place, Suite A, Gainesville, Florida 32653.

Any person deciding to appeal decisions of the Council or its committees with respect to any matter considered at the meetings, may need to make a verbatim record of the proceedings.

Persons with disabilities who need assistance may contact us at (352)955-2200, at least two business days in advance to make appropriate arrangements.

The **South Florida Regional Planning Council** announces a meeting of the Executive Committee to which all persons are invited.

DATE AND TIME: Friday, October 6, 2006, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Local Government Comprehensive Plan Amendments for Coconut Creek, Davie, Margate, North Lauderdale, Pompano Beach, Tamarac and Broward County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Any adopted Local Government

Comprehensive Plan Amendment received prior to the meeting; Executive Committee meeting on monthly Council business.

A copy of the agenda may be obtained by writing: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite #140, Hollywood, Florida 33021.

Anyone deciding to appeal any decision made by the board with respect to any matter considered at this meeting, will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Council related committees may meet periodically before (9:00 a.m.) and following the regularly scheduled Council meetings. Any party desirous of ascertaining schedules of the sub-committees should call: the Council Offices, (954)985-4416 (Broward).

If you are hearing or speech impaired, please contact: the South Florida Regional Planning Council, (954)967-4152, ext. 40 (TDD), if you require additional information regarding the above meeting. If you require special accommodations because of a disability or physical impairment, please contact the Council, (954)985-4416, at least five calendar days prior to the meeting.

WATER MANAGEMENT DISTRICTS

The **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 26, 2006, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Workshop

DATE AND TIME: September 26, 2006, 5:30 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Final Public Hearing on FY 2006-2007 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: SRWMD, 9225 CR 49, Live Oak, Florida 32060.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact: Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **St. Johns River Water Management District** announces the following public meetings to which all persons are invited. Central Recreational Public Meeting Held Jointly With The Projects And Land Committee

DATE AND TIME: Thursday, October 5, 2006, 6:00 p.m. – 8:00 p.m.

PLACE: Comfort Suites, 1202 Avenida Central, North, The Villages, Lady Lake, FL 32159

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and review of land management and land acquisition activities in the Central Region.

Projects And Land Committee Business Meeting

DATE AND TIME: Friday, October 6, 2006, 8:00 a.m. – 10:00 a.m.* (*In the event a quorum of the Projects and Land Committee is not available at this time, the meeting will be postponed until Tuesday, October 10, 2006, 8:00 a.m.)

PLACE: Comfort Suites, 1202 Avenida Central, North, The Villages, Lady Lake, FL 32159

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Projects and Land Committee agenda items followed by committee recommendations to be approved by the full Governing Board.

Management Review Team Tour

DATE AND TIME: Friday, October 6, 2006, 11:00 a.m. – 3:00 p.m.

PLACE: Sunnyhill Restoration Area-Blue House parking lot. Call: (386)329-4855, if interested in the MRT tour

NOTE: One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

If any person decides to appeal any decision with respect to any matter considered at the above listed meeting 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to contact Terri Mashour, (386)329-4855, at least five work days before the date of the meeting.

The **St. Johns River Water Management District** announces the following public meetings and hearings to which all persons are invited.

Governing Board and Committee Chairmen

DATE AND TIME: Tuesday, October 10, 2006, 8:15 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

Finance And Administration Committee

DATE AND TIME: Tuesday, October 10, 2006, 8:45 a.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of Finance and Administration Committee agenda items followed by committee recommendations to be approved by the full Governing Board. Staff will recommend approval of external budget amendments which affect the adopted budget.

Regulatory Committee

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

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of Regulatory agenda items followed by committee recommendations to be approved by the full Governing Board.

Governing Board Meeting Including Public Hearing on Hearing On Land Acquisition

DATE AND TIME: Tuesday, October 10, 2006, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 W.), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion and consideration of District business including regulatory and non-regulatory matters.

A copy of the agenda may be obtained at the St. Johns River Water Management District website www.sjrwmd.com or by calling (386)329-4500.

One or more Governing Board members may attend and participate in the meetings and hearings by means of communications media technology.

If any person decides to appeal any decision with respect to any matter considered at the above-listed meetings or hearings, such person will need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these meetings and hearings is requested to advise the District at least 48 hours in advance.

The **Southwest Florida Water Management District** (SWFWMD) announces the following public meetings to which all interested persons are invited.

Coastal Rivers Basin Board Meeting And Workshop

DATE AND TIME: Tuesday, October 3, 2006, 9:00 a.m.

PLACE: District Headquarters, 2379 Broad Street, Brooksville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business and annual planning workshop.

Pinellas-Anclote River Basin Board Meeting And Workshop

DATE AND TIME: Wednesday, October 4, 2006, 9:00 a.m.

PLACE: Weedon Island Preserve Cultural and Natural History Center, 1800 Weedon Island Drive, St. Petersburg, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business and annual planning workshop.

Alafia River Basin Board Meeting And Workshop

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

PLACE: Tampa Service Office, 7601 US Highway 301, North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider basin business and annual planning workshop,

Peace River Basin Board Meeting and Workshop

DATE AND TIME: Friday, October 6, 2006, 9:30 a.m.

PLACE: Bartow Service Office, 170 Century Boulevard, Bartow, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consider Basin business and annual planning workshop.

These are public meetings; agendas are available by contacting: Southwest Florida Water Management District, Executive Department, 2379 Broad Street, Brooksville, FL.

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the ADA should contact 1(800)423-1476 (Florida only), extension 4606, TDD only 1(800)231-6103 (Florida only), Fax (352)754-6874.

The **Southwest Florida Water Management District** announces a public hearing to which all persons are invited. Governing Board Meeting

DATE AND TIME: November 30, 2006, 9:00 a.m.

PLACE: The Southwest Florida Water Management District Service Office, 6750 Fruitville Road, Sarasota, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Tampa Bay Water has requested a hearing pursuant to Section 120.54(3)(c), F.S., regarding the District's notice of proposed rules to establish minimum flows for the freshwater segment of the Alafia River. The hearing was scheduled for March 28, 2006 (noticed in the F.A.W., Vol. 32, No. 11, page 1186) and continued for June 27, 2006 (noticed in the F.A.W., April 21, 2006, Vol. 32, No. 16, page 1782). On June 27, 2006, the hearing was continued to a date, time and place to be announced (noticed in the F.A.W., July 7, 2006, Vol. 32, No. 27, Page 3105). The hearing is now scheduled as indicated above.

A copy of the agenda may be obtained by contacting: Karen A. Lloyd, Assistant General Counsel, 2379 Broad Street, Brooksville, Florida 34604-6899, (352)796-7211, extension 4651.

The Southwest Florida Water Management District does not discriminate on the basis of any individual's disability status. Anyone requiring reasonable accommodation as provided for in the American's With Disabilities Act should contact: Dianne Lee, (352)796-7211 or 1(800)423-1476, extension 4658, TDD only number 1(800)231-6103.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Thursday, September 28, 2006, 9:00 a.m. – 4:00 p.m.

PLACE: Harborside Event Center, 1375 Monroe Street, Fort Myers, FL 33901

GENERAL SUBJECT MATTER TO BE CONSIDERED: Caloosahatchee/St. Lucie Advisory Committee.

A copy of the agenda may be obtained by writing: Florida Department of Environmental Protection (FDEP), 3900 Commonwealth Blvd., M.S. 49, Tallahassee, FL 32399, or at our website <http://www.dep.state.fl.us>

Persons with disabilities who need assistance may contact Ryder Rudd, (850)245-2140 or (850)245-2092, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Ryder Rudd, (850)245-2140 or (850)245-2092.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: September 28, 2006, 3:00 p.m. – 6:00 p.m.

PLACE: Kravis Center, 701 Okeechobee Blvd., West Palm Beach, FL 33401

GENERAL SUBJECT MATTER TO BE CONSIDERED: To encourage small businesses to take part in the procurement process and become certified as District Small Business Enterprises.

A copy of the agenda may be obtained at: the (1) District Website <http://www.sfwmd.gov/agenda.html> 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: Sandra Hammerstein, Procurement Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 660, West Palm Beach, FL 33406, (561)515-6026, ext. 1046 or rlewis@celsiusholdings.com.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: Tuesday, October 3, 2006, 7:00 p.m. – 8:30 p.m.

PLACE: Paul W. Bell Middle School Cafeteria, 11800 N. W. 2nd Street, Miami, FL 33182

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will provide the public with information on the canal dredging project the South Florida Water Management District will be conducting in the C-4 Canal (Tamiami Canal) between 132nd Avenue and the Florida Turnpike.

A copy of the agenda may be obtained at: the (1) District Website <http://www.sfwmd.gov/agenda.html> 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: Lewis Beilman, Miami-Dade Regional Service Center, 2121 SW 3rd Ave., Sixth Floor, Miami, FL 33129, (305)377-7274, ext. 7249.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

DATE AND TIME: October 4, 2006, 2:00 p.m. – 6:00 p.m.

PLACE: Orlando City Hall, Ninth Floor, Overlook Room, One City Commons, 400 S. Orange Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To encourage small businesses to take part in the procurement process and become certified as District Small Business Enterprises.

A copy of the agenda may be obtained at: the (1) District Website <http://www.sfwmd.gov/agenda.html> 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: Sandra Hammerstein, the Procurement Department, District Headquarters, 3301 Gun Club Road, Mail Stop Code 660, West Palm Beach, FL 33406, (561)616-8001.

The **South Florida Water Management District** announces a public meeting to which all interested parties are invited.

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

PLACE: South Florida Water Management District Headquarters, 3301 Gun Club Road, West Palm Beach, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to discuss the FY 2007 Alternative Water Supply funding approach.

Persons with disabilities who need assistance may contact the Director, Governing Board and Executive Services, (561)682-6371, at least two business days in advance of the meeting to make appropriate arrangements.

Those who want more information, please contact: Jane Bucca, Project Manager, (561)682-6791.

REGIONAL UTILITY AUTHORITIES

The **Tampa Bay Water** announces the 2007 Meeting Schedule of the Board of Directors to which all persons are invited.

2007 REGULAR BOARD MEETING SCHEDULE

DATES AND TIMES: February 19, 2007, 9:00 a.m. unless otherwise set by the Board; April 16, 2007, 8:30 a.m., Budget Workshop; June 18, 2007, 9:00 a.m. unless otherwise set by the Board; August 20, 2007, 9:00 a.m. unless otherwise set by the Board; October 15, 2007, 9:00 a.m. unless otherwise set by the Board; December 17, 2007, 9:00 a.m. unless otherwise set by the Board

PLACE: 2575 Enterprise Road, Clearwater, Florida 33763

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2007 Regular Board meetings.

A copy of the regular meeting agenda may be obtained by writing to Tampa Bay Water or can be accessed on the Web at www.tampabaywater.org

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If an accommodation is needed for a disability in order to participate in this activity, please notify: Holly Wells, (727)796-2355, at least 3 business days prior to the meeting.

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Wednesday, October 4, 2006, 10:00 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue, West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 1645 Barber Road, Suite A, Sarasota, Florida 34240.

Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776, at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The Senior Resource Alliance, the **Area Agency on Aging of Central Florida, Inc.** announces that there will be a public hearing on the Area Plan on Aging 2007 to which all interested persons are invited.

DATES AND TIME: Friday, September 22, 2006; Friday, October 27, 2006; 1:00 p.m. – 3:00 p.m.

PLACE: Senior Resource Alliance, 988 Woodcock Rd., Suite 200, Orlando, FL 32803

For more information, directions, or special accommodations, please call (407)228-1800.

The **Department of Elder Affairs**, Office of the General Counsel announces a workshop to which all persons are invited.

DATE AND TIME: October 11, 2006, 9:30 a.m. – 4:00 p.m. (EST)

PLACE: Department of Health, 4052 Bald Cypress Way, Conference Room 301, Tallahassee, FL 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the 1994 Client Services Manual entitled "Department of Elder Affairs Programs and Services Manual", which is incorporated by reference in Rule Chapters 58A-1, Administration of Federal Aging Programs, 58C-1, Community Care for the Elder, 58D-1, Administration of the Alzheimer's Disease Initiative, and Chapter 58H-1, Home Care for the Elderly Program, Florida Administrative Code. This workshop's main focus will include Chapter 8,

Emergency/Disaster Preparedness, and Chapter 1, Section 3, Monitoring. The workshop will also provide interested parties the opportunity to briefly review the final drafts of the proposed changes to the original 1994 manual that were discussed in previous workshops.

A copy of the agenda may be obtained by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-200, Email crochethj@elderaffairs.org

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 72 hours before the workshop/meeting by contacting: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-200, Email crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Crochet, 4040 Esplanade Way, Tallahassee, FL 32399-7000, (850)414-2000, Suncom 994-2000, Email crochethj@elderaffairs.org. After September 26, 2006, copies of the agenda and draft manual may be obtained from the Department of Elder Affairs Web site at <http://elderaffairs.state.fl.us>.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a teleconference meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

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

PLACE: Anyone interested in participating may telephone (641)793-7500 / Pass Code: 9701442#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

A copy of the agenda may be obtained by writing: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces a meeting of the Solutions Working Group of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited.

DATE AND TIME: Thursday, October 5, 2006, 11:00 a.m.

PLACE: USF Downtown Center, 1101 Channelside Drive, Tampa, Florida 33602. Anyone interested in participating may telephone (641)793-7500/Pass Code: 9701442#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: To study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

A copy of the agenda may be obtained by writing: Pia Neustadter, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at http://ahca.myflorida.com/dhit/Privacy_ss.shtml seven (7) days prior to the meeting.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: Carolyn H. Turner, (850)922-5861, at least five calendar days prior to the meeting.

The **Agency for Health Care Administration** announces two workshops to obtain public input on Medicaid reform health plan performance measures to which all persons are invited.

DATE AND TIME: October 6, 2006, 1:00 p.m. – 4:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

DATE AND TIME: October 26, 2006, 1:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C and D, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: These workshops are being held to afford interested persons the opportunity to provide input on the Medicaid reform health plan performance measures.

A copy of the agenda may be obtained by writing: Ami Flanigan, Agency for Health Care Administration, 2727 Mahan Drive, Mail Stop 48, Tallahassee, FL 32308.

Anyone needing further information, or special accommodations under the Americans with Disabilities Act of 1990, should write to the address given above or call (850)922-7323. Special Accommodations requests under the Americans with Disabilities Act should be made at least seven days prior to the Public hearing.

DEPARTMENT OF MANAGEMENT SERVICES

The **Agency for Workforce Innovation, Office of Early Learning** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 28, 2006, 6:00 p.m. – 8:00 p.m. or until business is concluded (EST)

PLACE: Call In Number: 1(888)461-8118 (local) (850)414-5775, Holiday Inn Universal Orlando, 5905 South Kirkman Road, Orlando, FL 32819, (407)351-3333

GENERAL SUBJECT MATTER TO BE CONSIDERED: CCEP Board Meeting, Board business.

Materials will be available by September 21, 2006, on the CCEP website www.ccep.bz.

NOTICE OF CHANGE – This notice is to replace the notice published in the September 8, 2006 issue. The **Office of Early Learning** announces a rule development workshop to which all persons are invited.

DATE AND TIME: October 26, 2006, 10:00 a.m. – 4:00 p.m., or until the close of business

PLACE: Sheraton Tampa Riverwalk Hotel, 200 North Ashley Drive, Tampa, FL 33602, (813)223-2222

GENERAL SUBJECT MATTER TO BE CONSIDERED: Health and safety requirements for the school readiness program. The text of the draft Proposed Rules is available online at: <http://www.floridajobs.org/earlylearning/OELrule.html>.

The **Commission on Human Relations** announces a public meeting to which all persons are invited.

DATE AND TIME: October 10, 2006, 9:00 a.m.

PLACE: Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301. Communications Media Technology (CMT). The Meet-me Telephone Number: (850)414-1708, Suncom 994-1708

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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 5 days before the workshop/meeting by contacting: Denise Crawford, Clerk of the Commission, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Denise Crawford, Clerk of the Commission, (850)488-7082, ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIME: Wednesday, September 13, 2006; Thursday, September 14, 2006; Friday, September 15, 2006, 8:00 a.m.

PLACE: Embassy Suites Orlando Downtown, 191 East Pine Street, Orlando, FL, 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Additional information and a final agenda may be obtained by writing: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 special accommodations at this meeting because of a disability or physical impairment should contact: Andy Janecek, (850)922-2701, at least seven calendar days prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** will hold the following meetings to which all interested parties are invited.

DATES AND TIME: Wednesday, October 11, 2006; Thursday, October 12, 2006; Friday, October 13, 2006, 8:00 a.m.

PLACE: Embassy Suites Deerfield Beach Resort, 950 Ocean Drive, Deerfield Beach, FL 33441

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

Additional information and a final agenda may be obtained by writing to: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039.

Any person who decides to appeal any decision made by the board with respect to any matter considered at these meetings 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 special accommodations at this meeting because of a disability or physical impairment should contact: Andy Janecek, (850)922-2701, at least seven calendar days

prior to the meeting. Hearing or speech impaired please use Florida Relay 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Business and Professional Regulation** announces a public meeting of the Florida Board of Cosmetology to which all persons are invited to attend.

DATE AND TIME: Sunday, October 29, 2006, 10:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

DATE AND TIME: Monday, October 30, 2006, 9:00 a.m. or soon there after

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the board to conduct regular board business.

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

A copy of the agenda may be obtained by writing: Florida Board of Cosmetology, 1940 North Monroe Street, Tallahassee, Florida 32399-0790.

If a person decides to appeal any decision made by the board with respect to any matter considered at this meeting or hearing, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record 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 Area of Critical State Concern at (850)488-4925, at least five calendar days prior to the meeting being held. If you are hearing or speech impaired please contact the Area of Critical State Concern using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Business and Professional Regulation**, Board of Employee Leasing Companies, announces an official general business meeting to which all persons are invited.

DATE AND TIME: Wednesday, October 18, 2006, 10:00 a.m. or soon thereafter

PLACE: Embassy Suites Hotel, 1100 S. E. 1700 Street, Ft. Lauderdale, Florida 33316

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting of the Board.

A copy of the agenda may be obtained by writing: Department of Business and Professional Regulation, Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767, or by calling their office at (850)487-1395.

For further information, contact: Florida Board of Employee Leasing Companies, 1940 North Monroe Street, Tallahassee, Florida 32399-0767.

If any person decides to appeal any decision made with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purpose they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be based.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting the board office at (850)487-1395. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771(TDD).

The Florida **Board of Professional Engineers** announces a public meeting of the Aluminum Structures Design Manuals Task Force to which all persons are invited.

DATES AND TIME: Tuesday, November 14, 2006, 1:00 p.m.; Wednesday, November 15, 2006, if business of the Task Force is not concluded

PLACE: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To develop rules regulating the creation, signing and sealing, and use of aluminum structures design manuals by professional engineers.

A copy of the agenda may be obtained by writing: Florida Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, they will need a record of the proceedings, and for such purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin, (850)521-0500.

The Probable Cause Panel of the **Building Code Administrators and Inspectors Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: October 11, 2006, 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints to determine the existence of probable cause.

A copy of the PUBLIC portion of the agenda may be obtained by writing: Jessica Leigh, Assistant General Counsel, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, or by phone (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Florida Real Estate Appraisal Board (FREAB)** announces a meeting to which all persons are invited.

DATES AND TIMES: Monday, October 2, 2006, 9:00 a.m. or the soonest thereafter; Tuesday, October 3, 2006, 8:30 a.m. or the soonest thereafter

PLACE: Miami Marriott Dadeland, 9090 South Dadeland Blvd., Le Mirage Room, Miami, FL 33156

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Appraisal Board – among topics included, but not limited to, are proposed legislation affecting Chapter 475, Part II, F.S., rule development workshops, Florida Administrative Code 61J1 rule amendments, disciplinary actions, 2008 AQB Criteria Changes and general subject matter.

A copy of the agenda may be obtained by writing: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a telephone conference call to be held via meet me number.

DATE AND TIME: Wednesday, October 4, 2006, 1:00 p.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida, or Meet Me Number: (850)410-8045

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.

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, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 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**, Clean Boating Partnership announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, September 28, 2006, 10:00 a.m. – 5:00 p.m.; Friday, September 29, 2006, 8:30 a.m. – 12:30 p.m.

PLACE: Sheraton Yankee Trader Beach Hotel, 321 N. Fort Lauderdale Beach Boulevard, Fort Lauderdale, FL 33304

GENERAL SUBJECT MATTER TO BE CONSIDERED: This fourth quarterly meeting for 2006 is to review, discussion items and recommendations concerning the Department of Environmental Protection, Clean Marina Program.

A copy of the agenda may be obtained by contacting: Brenda Leonard, Florida Department of Environmental Protection, Division of Law Enforcement, 3900 Commonwealth Blvd., MS 665, Tallahassee, FL 32399-3000, (850)245-2847.

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: Brenda Leonard, (850)245-2847. 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 Mine Reclamation announces a public meeting to which all persons are invited.

DATE AND TIME: September 29, 2006, 9:00 a.m.

PLACE: Florida Department of Transportation, 801 North Broadway Avenue, Bartow, Florida 33830

DATE AND TIME: October 24, 2006, 9:00 a.m.

PLACE: SWFWMD Bartow Service Office, 170 Century Blvd., Bartow, Florida 33830

DATE AND TIME: November 9, 2006, 9:00 a.m.

PLACE: Hardee County Health Department, 115 KD Revell Rd., Wauchula, Florida 33873

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the meeting is for the Management Plans Stakeholder Group to discuss issues regarding the Peace River Basin Resource Management Plan.

A copy of the agenda may be obtained by contacting: Thu-Huong Clark, Department of Environmental Protection, 2051 East Dirac Drive, Tallahassee, FL 32310, (850)488-8217, or by going to the Bureau's website at <http://dep.state.fl.us/water/mines/prcis.htm>

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Thu-Huong Clark, (850)488-8217. 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**, Designated Uses and Classification Refinement Policy Advisory Committee (PAC) Working Group Subcommittee announces a public meeting to which all persons are invited.

DATE AND TIME: October 2, 2006, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Conference Rooms B and C, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a subcommittee of the Designated Uses and Classification Refinement Policy Advisory Committee (PAC). The purpose of this meeting will be to discuss categorical definitions for urban drainage ditches and streams.

A copy of the agenda may be obtained by contacting: Stacey Feken, Water Quality Standards and Special Projects Program, Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, E-mail: Stacey.feken@dep.

state.fl.us, Telephone: (850)245-8421, or by going to the Department's website http://www.dep.state.fl.us/water/wqssp/d_use.htm

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Stacey Feken, (850)245-8421. 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**, Designated Uses and Classification Refinement Policy Advisory Committee (PAC) Working Group Subcommittee announces a public meeting to which all persons are invited.

DATE AND TIME: October 3, 2006, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Central District Office, 3319 Maguire Boulevard, Suite 232, Conference Rooms B and C, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a subcommittee of the Designated Uses and Classification Refinement Policy Advisory Committee (PAC). The purpose of this meeting will be to discuss categorical definitions for agricultural waters.

A copy of the agenda may be obtained by contacting: Stacey Feken, Water Quality Standards and Special Projects Program, Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, E-mail: Stacey.feken@dep. Telephone: (850)245-8421, or by going to the Department's website http://www.dep.state.fl.us/water/wqssp/d_use.htm

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Stacey Feken, (850)245-8421. 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** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2006, 9:00 a.m.

PLACE: Leesburg Cultural Arts Building, 201 E. Dixie Ave., Leesburg, FL 34748

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Upper Ocklawaha River Basin TMDL Technical Working Group was formed to support the Upper Ocklawaha River Basin TMDL Working Group by providing a forum for stakeholders to discuss technical issues related to the Upper Ocklawaha River Basin TMDLs, including development,

allocation, and implementation of the TMDLs. The focus of the meeting will be a discussion of the draft water quality monitoring strategy and data analysis techniques, and preparations needed for the January 2007 Upper Ocklawaha River Basin TMDL Working Group meeting. Information on the Department's plan to adopt relevant portions of the Upper Ocklawaha Basin Management Action Plan by Secretarial Order will also be presented for discussion by the Technical Working Group.

A copy of the agenda may be obtained by contacting: Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400, or by calling her at (850)245-8560.

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: Mary Paulic, (850)245-8560. 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** announces a public meeting to which all persons are invited.

DATE AND TIME: October 4, 2006, 9:00 a.m.

PLACE: Leesburg Cultural Arts Building, 201 E. Dixie Ave., Leesburg, FL 34748

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Upper Ocklawaha River Basin TMDL Technical Working Group was formed to support the Upper Ocklawaha River Basin TMDL Working Group by providing a forum for stakeholders to discuss technical issues related to the Upper Ocklawaha River Basin TMDLs, including development, allocation, and implementation of the TMDLs. The focus of the meeting will be a discussion of the draft water quality monitoring strategy and data analysis techniques, and preparations needed for the January 2007 Upper Ocklawaha River Basin TMDL Working Group meeting. Information on the Department's plan to adopt relevant portions of the Upper Ocklawaha Basin Management Action Plan by Secretarial Order will also be presented for discussion by the Technical Working Group.

A copy of the agenda may be obtained by contacting: Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400, or by calling her at (850)245-8560.

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: Mary Paulic, (850)245-8560. 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** announces a public meeting to which all persons are invited.

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

PLACE: Gainesville Regional Utilities, 1st Floor, Conference Room, 301 S. E. 4th Avenue, Gainesville, Florida 32601

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Orange Creek Basin (OCB) TMDL Working Group was formed to provide a forum for stakeholders to discuss issues related to the OCB TMDLs, including development, allocation, and implementation of the TMDLs. The topics for this meeting are the relationship of the Basin Management Action Plan (BMAP) to Municipal Separate Storm Sewer System (MS4) permits and continued discussion of development of a BMAP, including strategies to address nutrient and coliform TMDLs.

A copy of the agenda may be obtained by contacting: Mary Paulic, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Planning and Coordination Section, MS 3565, Tallahassee, Florida 32399-2400, or by calling her at (850)245-8560.

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: Mary Paulic, (850)245-8560. 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** announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2006, 9:30 a.m. – 3:00 p.m. (end time will be shortened as agenda allows)

PLACE: FDEP - Northeast District Office, Conference Room A & B, 7825 Baymeadows Way, B200, Jacksonville, FL 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LSJR TMDL Executive Committee and Stakeholders Group were formed to provide a forum for stakeholders to discuss issues related to the LSJR TMDL, including development, allocation, and implementation of the TMDL. Topics for this meeting include updates on a variety of TMDL and BMAP activities, including the status of site-specific alternative criteria (SSAC) for Dissolved Oxygen for the marine portions of the LSJ, the allocations for the Municipal Separate Storm Sewer Systems (MS4s), the modeling needed to determine the TMDL based on the SSAC, the work group meetings to develop the BMAP and discuss pollutant trading, and the meeting of the Monitoring Subcommittee.

A copy of the agenda may be obtained by contacting: Pat Waters, Department of Environmental Protection, 2600 Blair Stone Road, Watershed Assessment Section, MS 3555, Tallahassee, Florida 32399-2400, or by calling her at (850)245-8449.

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: Pat Waters, (850)245-8449. 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**, Numeric Nutrient Criteria Technical Advisory Committee (TAC) announces a public meeting to which all persons are invited.

DATE AND TIME: October 17, 2006, 10:00 a.m. – 4:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve, Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The TAC was formed to aid the Department in establishing numeric nutrient criteria to be incorporated into existing surface water quality standards located in subsection 62-302.530(48), Florida Administrative Code. The meeting will focus on a discussion of numeric nutrient criterion development for rivers, streams and lakes.

A copy of the agenda may be obtained by contacting: Ken Weaver, Water Quality Standards and Special Projects Program, Division of Water Resource Management, Department of Environmental Protection, 2600 Blair Stone Road, MS 3560, Tallahassee, Florida 32399-2400, E-mail: Kenneth.Weaver@dep.state.fl.us, Telephone: (850)245-8414.

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: Ken Weaver, (850)245-8414. 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 Water Facilities Funding**, announces a workshop to which all persons are invited.

DATE AND TIME: October 25, 2006, 10:00 a.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present the Department's recommendations and to receive public comment on the intended use of the Fiscal Year 2007 Federal Safe Drinking Water Act appropriations and State

matching funds. Funds will be used to finance drinking water preconstruction and construction projects through the State Revolving Fund (SRF) program Rule, Chapter 62-552, F.A.C. Workshop topics will include project eligibility, project prioritization, types of assistance available, objectives of the program, program requirements, use of set-aside funds, and the proposed project list.

A copy of the proposed Intended Use Plan may be obtained by contacting: Al Bishop, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, (850)245-8393, or e-mail al.bishop@dep.state.fl.us

A copy of the agenda may be obtained by contacting: Al Bishop, Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, (850)245-8393, or e-mail al.bishop@dep.state.fl.us

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: Al Bishop, (850)245-8358. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955 8771 (TDD) or 1(800)955-8770 (Voice). 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 Water Facilities Funding**, announces a hearing to which all persons are invited.

DATE AND TIME: October 25, 2006, 2:00 p.m.

PLACE: Room 611, Twin Towers Office Building, 2600 Blair Stone Road, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on proposed adoption of the Fiscal Year (FY) 2007 Drinking Water State Revolving Fund (SRF) priority list. The Department may adopt, modify, or deny the proposed actions at the hearing. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding any proposed actions. After the hearing, the Department will file the Notice of Final Agency Action.

A copy of the Notice of Final Agency Action will be sent to local governments sponsoring the projects at issue and to any person submitting a timely written request. Such written requests must be submitted at the hearing or filed with: Department's Bureau of Water Facilities Funding, 2600 Blair Stone Road, Mail Station #3505, Tallahassee, Florida 32399-2400, no later than 5:00 p.m., on the first working day after the public hearing

A copy of the draft priority list may be obtained by contacting: Al Bishop, Bureau of Water Facilities Funding, at the same address, or by phone (850)245-8393, Suncom 205-8393 or by e-mail at Al.Bishop@dep.state.fl.us

A copy of the agenda may be obtained by contacting: Al Bishop, Bureau of Water Facilities Funding, at the same address, or by phone (850)245-8393, Suncom 205-8393 or by e-mail at Al.Bishop@dep.state.fl.us

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: Al Bishop, (850)245-8358. If you are hearing or speech impaired, please contact the Florida Relay Service by calling 1(800)955 8771 (TDD) or 1(800)955-8770 (Voice). 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 HEALTH

The **Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a telephone conference call in which a reconsideration will be heard.

DATE AND TIME: September 29, 2006, 9:00 a.m. – 10:00 a.m.

PLACE: (850)245-4474, to inquire about call-in number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel Meeting.

A copy of the agenda may be obtained by writing: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing or speech impaired, using TDD equipment, can call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine and Osteopathic Medical Board**, Joint Committee on Anesthesiologist Assistants announces a conference call to which all persons are invited.

DATE AND TIME: Wednesday, October 4, 2006, 12:00 Noon

PLACE: Conference Call #: 1(888)808-6959

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Committee.

A copy of the agenda may be obtained by writing: JoAnne Davis, Supervisor, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

If any person decides to appeal any decision made by the Committee 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.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: the Florida Board of Medicine, Anesthesiologist Assistants, (850) 245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Rules/Legislature Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 5, 2006, 4:00 p.m.

PLACE: Quorum Hotel, 700 North Westshore Blvd., Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the committee.

A copy of the agenda may be obtained by writing: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact: the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The Florida **Board of Medicine**, Surgical Care Committee announces a meeting to which all persons are invited.

DATE AND TIME: Thursday, October 5, 2006, 6:00 p.m. – 9:00 p.m.

PLACE: Quorum Hotel, 700 North Westshore Blvd., Tampa, FL 33609, (813)289-8200

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the committee.

A copy of the agenda may be obtained by writing to: Larry McPherson, Board Director, Medical Quality Assurance, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

Please note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above cited meeting or hearing, he will need a record of the proceedings, and for such purpose, may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. A verbatim tape record of the proceeding may be obtained from a court reporter, if present, or an audio record from the Board Director.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Florida Board of Medicine, (850)245-4131, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Florida Board of Medicine using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Nursing Home Administrators** will hold a duly noticed meeting and telephone conference call, to which all persons are invited to attend.

DATE AND TIME: Friday, October 6, 2006, 9:00 a.m. or shortly thereafter

PLACE: Renaissance Ft. Lauderdale Hotel, 1617 S. E. 17th Street, Ft. Lauderdale, Florida 33316, (954)626-1700

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda item may be obtained by writing to: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/nurshome/index.html

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 **Board of Pharmacy**, Professional Practice Committee, announces a public meeting to which all persons are invited.

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

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will meet to discuss USP 797 and general business.

A copy of the agenda may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254.

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 5 days before the workshop/meeting by contacting: the Board of Pharmacy, Garnet Keller, (850)245-4292. 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 **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIME: October 4-5, 2006, 8:00 a.m.

PLACE: Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general Board business.

A copy of the agenda may be obtained by contacting: Rebecca Poston, Executive Director, Board of Pharmacy, 4052 Bald Cypress Way, Bin C-04, Tallahassee, FL 32399-3254.

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 5 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 **Board of Speech-Language Pathology and Audiology** announces a meeting to which all interested persons are invited to attend.

DATE AND TIME: Wednesday, October 4, 2006, 9:00 a.m. or soon thereafter

PLACE: Meet me Number: Contact the Board of Speech-Language Pathology and Audiology, (850)245-4161 for the meet me number

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing: the Board of Speech-Language Pathology and Audiology, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3256.

Please note, that if a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations at this meeting due to disability or physical impairment should contact: the Board of Speech-Language Pathology and Audiology, (850)245-4161, at least five (5) 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).

This is to announce variance meetings of the **Department of Health**, Public Swimming and Bathing Facilities Advisory Review Board members. These meetings are open to the public.

DATES AND TIME: Wednesday, January 10, 2007; Wednesday, March 14, 2007; Wednesday, May 9, 2007; Wednesday, July 11, 2007; Wednesday, September 12, 2007; Wednesday, November 14, 2007, 9:30 a.m. – 3:00 p.m.

PLACE: Hurston Building, 1st Floor, Conference Room A, S. Tower, 400 West Robinson Street, Orlando, FL 32801, (407)317-7172

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of these meetings will be for the board to make recommendations to the department for agency action on variance requests, rule and policy development, and other technical review problems.

The person to be contacted regarding these meetings or agendas is: Mr. Robert S. Pryor, Environmental Engineering, Department of Health, Bureau of Water Programs, 4052 Bald Cypress Way, BIN C22, Tallahassee, FL 32399-1742, (850)245-4444, ext. 2369.

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: October 5, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the

acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Country Walk Apartments, a 64-unit multifamily residential rental development located south of Maxwell Drive 400' East of the intersection of Maxwell and US 17 at 250 Maxwell Drive, Wauchula, Hardee County, FL 33873. The prospective owner and operator of the proposed development is Country Walk, Ltd., 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133. The total tax-exempt bond amount is not to exceed \$8,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 4, 2006, and should be addressed to the Attention: Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

For more information, you may contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197.

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 5 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197. 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 Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: October 5, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Magnolia Crossing Apartments, a 56-unit multifamily residential rental development located on Thornton Street, on the N. E. corner of the intersection of Thornton Street and Albany Street, Pace, Santa Rosa County, FL 32571. The prospective owner and operator of the proposed development is Magnolia Crossing, Ltd., 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133, or such successor in interest in which Carlisle Development Group, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, Florida 33133. The total tax-exempt bond amount is not to exceed \$8,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 4, 2006, and should be addressed to the Attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

For more information, you may contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197

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 5 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197. 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 Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: October 5, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: The offices of Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Palmetto Ridge Estates Apartments, a 192-unit multifamily residential rental development located at 1225 S. Deleon Avenue, Titusville, Brevard County, FL 32780. The prospective owner and operator of the proposed development is Palmetto Ridge Estates, LP, 5354 Parkdale Drive, Suite 350, St. Louis Park, MN 55416, or such successor in interest in which Gandolf Development, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is LEDIC Management Group, LLC, 2650 Thousand Oaks Blvd., Suite 3100, Memphis, TN 38118. The total tax-exempt bond amount is not to exceed \$11,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 4, 2006, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

For more information, you may contact: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197.

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 5 days before the workshop/meeting by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197. 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 Housing Finance Corporation** announces a hearing to which all persons are invited.

DATE AND TIME: October 5, 2006, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a TEFRA hearing concerning the potential future issuance of refunding bonds by Florida Housing to refinance the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below: Sterling Palms, a 248-unit multifamily residential rental development located at 1919 Sterling Palms Court, Brandon, Hillsborough County, Florida 33511. The owner and operator of the development is JSP Sterling LLC, c/o Jackson Square Properties, 500 Washington Street, Suite 700, San Francisco, California 94111, or such successor in interest in which Rohnert Civic, LLC, or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The manager of the development is Stonemark Management, LLC, 1300 Parkwood Circle, Suite 400, Atlanta, Georgia 30339. The total tax-exempt bond amount is not to exceed \$14,170,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), October 4, 2006, and should be addressed to the attention of: Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197.

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: Wayne Conner, Deputy Development Officer, Florida Housing Finance Corporation, (850)488-4197. 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.

FINANCIAL SERVICES COMMISSION

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: Friday, September 29, 2006, 10:00 a.m.

PLACE: 401 Senate Office Building (Adjacent to The Capitol), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: American Southern Home Insurance Company has requested an 18.6% average statewide rate increase for its mobile 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 "American."

A copy of the agenda may be obtained by contacting Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

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: Sam Coskey, (850)413-2616, or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact: Rhoda K. Johnson, Esquire, (850)413-4220 or Sam Coskey, (850)413-2616.

The **Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: October 5, 2006, 10:00 a.m.

PLACE: 401 Senate Office Building (adjacent to The Capitol), Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Service Insurance Company has requested a 72.5% average statewide rate increase with regard to homeowners policies. The requested rate increase is not uniform and some areas are subject to a higher rate increase than other areas. Florida law

allows the Office of Insurance Regulation to hold a public hearing for any purpose within the scope of the Insurance Code deemed to be necessary. Input from interested parties will be received at this public hearing. If you are unable to attend this public hearing, please forward your comments to ratehearings@fldfs.com. The subject line of your e-mail should read "Service Filing."

A copy of the agenda may be obtained by contacting: Paul Norman, Esquire, (850)413-4142 or Sam Coskey, (850)413-2616.

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 Sam Coskey, (850)413-2616, or e-mail him at sam.coskey@fldfs.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).

For more information, you may contact Paul Norman, Esquire, (850)413-4142, or Sam Coskey (850)413-2616.

FLORIDA PORTS CONFERENCE

The **Florida Ports Conference** announces a public meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, September 27, 2006, 8:00 a.m.

PLACE: Intercontinental Hotel, 100 Chopin Plaza, Miami, Florida 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED: Minimum rates, charges, classifications, rules, regulations and practices applicable to and governing the use and operation of public seaports.

A copy of the agenda may be obtained by contacting: Jim Massie, General Counsel, 660 East Jefferson Street, Tallahassee, FL 32301, JMassie41@aol.com

Should any person wish to appeal any decision made with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Pursuant to provisions of the Americans With Disabilities Act, any person requiring special accommodations to participate in this public meeting should advise the Florida Ports Conference by contacting: Jim Massie, General Counsel, 660 East Jefferson St., Tallahassee, FL 32301, JMassie41@aol.com, (850)222-7710.

FLORIDA SURPLUS LINES SERVICE OFFICE

The **Florida Surplus Lines Service Office**, Board of Governors' announces a meeting to which all interested parties are invited.

BOARD OF GOVERNORS

DATE AND TIME: Wednesday, September 27, 2006, 9:00 a.m.

PLACE: Florida Surplus Lines Service Office, 1441 Maclay Commerce Drive, Ste. 200, Tallahassee, FL 32312

GENERAL SUBJECT MATTER TO BE CONSIDERED: Quarterly Board Meeting.

A copy of the agenda may be obtained by sending a faxed request to Georgie Barrett, (850)513-9624.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this meeting should contact Georgie a week prior to the meeting at (850)224-7676, ext. 101.

VOLUNTEER FLORIDA

Volunteer Florida, the Governor's Commission on Volunteerism and Community Service, Executive, Legislative, Communications, Disability Outreach, Grants/AmeriCorps, Emergency Management, Finance and Audit, and Volunteer Services Committees are please to announce conference calls to which all persons are invited.

DATES AND TIME: September 29, 2006, 8:00 a.m. – 5:00 p.m.; October 2, 2006, 8:00 a.m. – 5:00 p.m.; October 3, 2006, 8:00 a.m. – 5:00 p.m. Dates and times are subject to change.

PLACE: For call-in information please contact Ysonde Jensen, (850)414-0092

GENERAL SUBJECT MATTER TO BE CONSIDERED: Updates on committee work.

Please contact Ysonde Jensen, (850)414-0092 for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Ysonde Jensen, (850)414-0092, Voice/TTY, 72 hours in advance of your request.

Volunteer Florida, The Governor's Commission on Volunteerism and Community Service, is please to announce a meeting to which all persons are invited to attend.

DATES AND TIMES: October 24, 2006, 12:00 Noon – ending when all business is complete (EST); October 25, 2006, 8:00 a.m. – ending when all business is complete (EST)

PLACE: 325 South Orange Ave., Orlando Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Site visit(s) to local partner organization(s), networking dinner, and Quarterly meeting – General Commission business.

Please contact Ysonde Jensen, (850)414-0092 for a meeting agenda.

If you require a reasonable accommodation to participate, please contact Ysonde Jensen, (850) 414-0092, Voice/TTY, 72 hours in advance with your request.

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority**, Executive Compensation Subcommittee announces a meeting to which all interested parties are invited to attend.

DATE AND TIME: Monday, October 2, 2006, 11:30 a.m.

PLACE: The Broward Alliance, 110 East Broward Blvd., Board Room, Suite 1990, Ft. Lauderdale, FL 33301

For questions contact Scott Ellington, (561)416-6092, scott@research-park.org

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 5, 2006, 10:00 a.m. – 3:00 p.m.

PLACE: Florida Hospital Association, Regional Office – Orlando, 307 Park Lake Circle, Orlando, FL 32803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation, Board of Directors Meeting.

A copy of the agenda may be obtained by writing: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail at susan.a.moore@comcast.net. To be included in e-mail notices of the Florida Patient Safety Corporation Board, please mail/e-mail your address to the address above or fax your e-mail address to (850)893-4259.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the agency sending the notice not later than five working days prior to the proceeding at the address given on the notice. Telephone: (850)893-8936.

ORANGE COUNTY RESEARCH AND DEVELOPMENT AUTHORITY

The **Orange County Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: October 12, 2006, 8:00 a.m.

PLACE: Central Florida Research Park, 12424 Research Parkway, Suite 100, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Finance and Audit Committee Meeting to which all interested parties are invited to attend.

DATE AND TIME: October 18, 2006, 2:00 p.m. (Eastern Time) – until business has been concluded

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Finance and Audit Committee of the Florida Insurance Guaranty Association will meet to discuss the general issues of the committee.

A copy of the agenda may be obtained by contacting Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting: Cathy Irvin, (850)386-9200, at least 48 hours before the session. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

FLORIDA INSURANCE GUARANTY ASSOCIATION

The **Florida Insurance Guaranty Association** announces a Board meeting to which all interested parties are invited to attend.

DATE AND TIME: October 19, 2006, 9:00 a.m. – 12:00 Noon (Eastern Time), or as soon as business has been concluded

PLACE: Grand Hyatt Tampa Bay, 2900 Bayport Drive, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Florida Insurance Guaranty Association will meet regarding the regular business of the Association.

A copy of the agenda may be obtained by contacting Cathy Irvin, (850)386-9200.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in the meeting is asked to advise the Association by contacting: Cathy Irvin, (850)386-9200, at least 48 hours before the session. A person who is hearing or speech impaired may also contact the TDD at 1(800)955-1339.

PASCO COUNTY ENGINEERING SERVICES

The **Pasco County Engineering Services** and the Florida Department of Transportation (FDOT) invite you to attend and participate in a Public Hearing for the S.R. 54 Project Development and Environment (PD&E) Study re-evaluation (FPN: 421140-3). The planned improvements include widening the existing four-lane rural roadway to a six-lane rural roadway from east of U.S. 41 to the western limit of the Cypress Creek Bridge in Pasco County, Florida, a distance of approximately 3.05 miles. The Public Hearing will be held as follows:

DATE AND TIME: Thursday, October 19, 2006, 5:00 p.m. – 7:30 p.m.; Formal Portion 6:00 p.m.

PLACE: Myrtle Lake Baptist Church, 2017 Riegler Road, Land O'Lakes, Florida 34639

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Public Hearing will allow interested persons an opportunity to provide comments regarding the proposed roadway widening project. The Public Hearing is being conducted pursuant to Chapter 339 Florida Statutes, 23 CFR 771, 23 U.S.C. 128, Chapter 120 Florida Statutes and Title VI and Title VIII of the United States Civil Rights Acts of 1964 and 1968.

Any individual requiring special accommodations under the Americans with Disabilities Act of 1990 should contact: Ms. Tracy Daily, WilsonMiller, Inc., (813)223-9500, at least seven (7) days prior to the Public Hearing.

Pasco County, FDOT and WilsonMiller, Inc., will accept verbal and written comments at the Public Hearing. Written comments not provided at the Public Hearing must be mailed to: Ms. Tracy Daily, WilsonMiller, Inc., 2205 North 20th Street, Tampa, Florida 33605 and postmarked by Monday, October 30, 2006, in order to become part of the official Public Hearing record.

COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES

The **Commission on Marriage and Family Support Initiatives** announces the following meetings of the commission to which all persons are invited to attend.

MEETING: Public Awareness Committee

DATE AND TIME: Friday, October 20, 2006, 10:00 a.m. – 12:00 Noon

PLACE: Via Conference Call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

MEETING: General Commission

DATES AND TIMES: October 4, 2006, 1:00 p.m. – 5:00 p.m.; October 5, 2006, 8:00 a.m. – 4:00 p.m.

PLACE: The Peabody Hotel, 9801 International Drive, Orlando, FL 32819

MEETING: Officer Planner With Executive Director

DATE AND TIME: October 23, 2006, 4:00 p.m. – 5:00 p.m.

PLACE: Via Conference Call at 111 N. Gadsden Street, Suite 100, Tallahassee, FL 32301-1507

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez, hrodriguez@ounce.org or (850)488-4952, ext. 135.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the commission office at the same address or telephone number above at least seven days in advance so that their needs can be accommodated.

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 BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, received a Petition for Declaratory Statement In Re: Petition for Declaratory Statement, The Conservancy and Sporting Society; Docket No. 2006046922.

The petition seeks the agency's opinion as to the applicability of Chapter 721, Florida Statutes, as it applies to the Petitioner. Whether The Conservancy and Sporting Society, a vacation club that will primarily offer equitable memberships containing a variety of sporting experiences with a right to use accommodations on a first-come, first-served basis, is a timeshare plan within the meaning of Chapter 721, Florida Statutes.

A copy of the Petition for Declaratory Statement, Docket Number 2006046922 may be obtained by writing: the Agency Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217. Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN that The Board of Medicine has received the petition for declaratory statement from Welplex, Inc., filed on September 11, 2006. The petition seeks the agency’s opinion as to the applicability of Section 456.054, Florida Statutes, as it applies to the petitioner.

Specifically, the Petitioner plans to develop relationships with independent physicians who would perform ECGs on their patients who would be candidates for Welplex’s Smoking Cessation Treatment. The Board will consider this petition at its meeting scheduled for October 7, 2006, in Tampa, Florida.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Larry G. McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253.

DEPARTMENT OF FINANCIAL SERVICES

NOTICE IS HEREBY GIVEN that on September 8, 2006, the State of Florida, Office of Financial Regulation received a petition for declaratory statement from SFTF, LLC d/b/a Ashley Furniture HomeStore (“Ashley”) that was filed pursuant to Section 120.565, Florida Statutes. The petition has requested a declaratory statement regarding whether, and to what extent, Ashley may, under the facts presented, charge its customers a fee in connection with the services it performs in establishing credit accounts on behalf of third-party finance companies that extend credit to customers purchasing home furnishings from Ashley. Ashley requests confirmation that, with respect to the transactions described in the Petition, the Retail Installment Sales Act does not apply, the limitations contained in Section 516.031(3)(a), Florida Statutes, do not apply to Ashley, and Ashley may charge its customers a fee for the services it performs as described above.

The Petition for Declaratory Statement is being processed and is available for public inspection during normal business hours of 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at: the Office of Financial Regulation, Office of the General Counsel, 200 E. Gaines Street, Fletcher Building, Room #526, Tallahassee, Florida 32399-0379. Requests for copies or inspection should be addressed to: Mr. William Oglo, Esq., Assistant General Counsel, at the above listed address.

Those persons whose substantial interests may be determined by these proceedings, including settlements, grants, and denials, are advised that they may intervene in this matter in accordance with the provisions of Rule 28-106.205, Florida Administrative Code. Petitions for leave to intervene shall conform with subsection 28-106.201(2), or Rule 28-106.301, Florida Administrative Code, and shall also include allegations sufficient to demonstrate that the intervenor is entitled to participate in the proceeding as a matter of constitutional or statutory right or pursuant to agency rule and/or that the intervenor has substantial interests that are subject to

determination or will be affected by the agency’s actions during the proceedings. Original petitions and two copies must be filed at least twenty (20) days before the final hearing and shall be filed with: the Agency Clerk, Office of Financial Regulation, 200 East Gaines Street, Suite 526, Fletcher Building, Tallahassee, Florida 32399-0379.

FAILURE TO FILE A TIMELY REQUEST FOR HEARING AT LEAST TWENTY (20) DAYS BEFORE THE FINAL HEARING SHALL CONSTITUTE A WAIVER OF THAT PERSON’S RIGHT TO REQUEST A HEARING ON ANY MATTER REGARDING THE PETITION FOR DECLARATORY STATEMENT AND THE OFFICE OF FINANCIAL REGULATION WILL ISSUE ITS DECLARATORY STATEMENT BASED ON THE FACTS AND CIRCUMSTANCES THAT ARE SET FORTH IN THE PETITION FOR A DECLARATORY STATEMENT.

The following statutory chapters and rule chapters directly govern the proceedings the Office of Financial Regulation: Chapter 120, Florida Statutes, and Chapter 28-106, Florida Administrative Code. In deference to the rights of any substantially affected persons, the Office of Financial Regulation will not settle or otherwise reach a final resolution of these matters until such time when thirty (30) days from the date of this publication have passed.

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 TO PROFESSIONAL CONSULTANTS:

The University of Florida Board of Trustees announces that Professional Services in the discipline of mechanical/electrical engineering will be required for the project listed below:

Project No. 863125, Chilled Water Plant No. 10.

The project consists of a new chilled water plant at a location just north of the Psychology building and south of the intersection of Center Drive and Museum Road on the University of Florida Campus in Gainesville. The plant is intended to be built in phases with an ultimate build-out of 4800 tons. Present plans for Phase 1 include all site work, complete chiller plant building, all site electrical work and one or two 1200-ton chillers and associated cooling towers and appurtenances. The next two phases are envisioned to include the addition of one-1200 ton chiller and 2 cooling towers as needed. The decision to include one or two chillers in the first phase will be based on early cost estimates in comparison to budget and demand.

A project budget of \$5.3 million has been established however, this is subject to change. The project is planned to be delivered using the Lump Sum Hard Bid method. Commissioning of the plant is targeted for May 2008.

The selected firm will provide design, construction documents and construction administration services for the referenced project. Blanket professional liability insurance will be required for this project in the amount of \$1,000,000, and will be provided as a part of Basic Services. Plans and specifications for University of Florida projects are subject to reuse in accordance with the provisions of Section 287.055, Florida Statutes.

Applicants will be evaluated on the basis of their past performance, experience, personnel, design ability, references, location, workload, and responses to questions posed both in

the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

Applicants desiring to provide professional services for the project shall submit a proposal only after thoroughly reviewing a conceptual schematic design, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, design intent, and other goals and considerations as outlined in the Project Fact Sheet and related information.

Company information and signed certification.

A completed, project-specific "Professional Qualifications Supplement" (PQS) proposal. Applications on any other form will not be considered.

Resumes and copies of the applicant's current Professional Registration Certificate(s) from the appropriate governing board, corporate charter(s) if applicable, and other pertinent credentials.

At the time of application, the applicant must possess current design Professional Registration Certificate(s) from the appropriate governing board; must be properly registered to practice its profession in the State of Florida; and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida. As required by Section 287.133, Florida Statutes, an applicant 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 professional must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific PQS form, instructions, Project Fact Sheet, conceptual schematic design report, UF Design Services Guide, UF Construction Standards, standard University of Florida Owner-Professional agreement, and other project and process information can be found on the Facilities Planning & Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide the number of copies prescribed in the Project Fact Sheet. Submittals must be received in the Physical Plant Division office by 3:00 p.m. (local time), on Wednesday, October 25, 2006. Facsimile (FAX) submittals are not acceptable and will not be considered.

Physical Plant Division
Architecture/Engineering Department
P. O. Box 117715
Gainesville, FL 32611-7715
Telephone: (352)392-1405
FAX: (352)392-4958
Internet: www.ppd.ufl.edu and www.facilities.ufl.edu

CALL FOR BIDS

Made by the University of North Florida, Board of Trustees, a public body corporate.

PROJECT: UNF Reclaimed Water Distribution System

ITB No. 07-03R

FOR: University of North Florida
4567 St. Johns Bluff Road, South
Jacksonville, Florida 32224

PROJECT SCOPE: The work consists of constructing a reclaimed water distribution system including five irrigation pumping stations, each with a communications and control system. Installation of HDPE piping by the horizontal directional drilling method consists of approximately 1000 LF of 10-inch pipe, 1400 LF of 8-inch pipe, 900 LF of 6-inch pipe, 350 LF of 4-inch pipe and 150 LF of 3-inch pipe. Installation of PVC piping by the open cut method consists of approximately 70 LF of 8-inch pipe, 1750 LF of 6-inch pipe and 300 LF of 4-inch pipe. The work includes trenching, backfilling, removal and replacement of asphalt pavement, and concrete sidewalks and curbs, erosion control measures and incidental work.

QUALIFICATIONS: All bidders must be qualified at the time of bid opening in accordance with the Instructions to Bidders, Article B-2.

SEALED BIDS WILL BE RECEIVED:

DATE AND TIME: November 3, 2006 until 2:00 p.m. (local time)

PLACE: University of North Florida, Building 6, Room #1301, 4567 St. Johns Bluff Road South, Jacksonville, Florida 32224, at which time and place they will be publicly opened and read aloud.

PROPOSAL: Bids must be submitted in full and in accordance with the requirements of the drawings and Project Manual which may be obtained and examined at the office of the:

ARCHITECT/ENGINEER: ARCADIS G&M, Inc.

1650 Prudential Drive
Suite 400
Jacksonville, Florida 32207
Telephone: (904)721-2991
Facsimile: (904)861-2450

MINORITY PROGRAM: Bidders are encouraged (not required) to utilize minority business enterprises certified by the Commission on Minority Economic and Business Development (formerly certification done by Department of Management Services).

PRE-SOLICITATION/PRE-BID MEETING: Bidders are required to attend the pre-solicitation/pre-bid meeting. Minority business enterprise firms are invited to attend to become familiar with the project specifications and to become acquainted with contractors interested in bidding the project. The meeting has been scheduled for:

DATE AND TIME: October 23, 2006, at 2:00 p.m. (local time)

PLACE: University of North Florida, Building 6, Room 1225, 4567 St. Johns Bluff Road, South, Jacksonville, Florida 32224

BIDDING DOCUMENTS: Full sets of Bidding Documents may be examined at the Engineer's office and local plan rooms. Full sets may be purchased from Florida Blueprinting Services, Inc., telephone (904)388-7686, for the printing and handling cost. **NO REFUND WILL BE MADE FOR THESE DOCUMENTS.**

PUBLIC ENTITY CRIMES: As required by Section 287.133, Florida Statutes, a contractor may not submit a bid for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The successful contractor must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

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

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION MANAGEMENT SERVICES

Project Name: Construction Management Services
Project Description: Construction of Suwannee Correctional Institution - Main Unit Annex and Work Camp Live Oak, Florida

The Department of Corrections, Bureau of Procurement and Supply, requests qualifications from CONSTRUCTION MANAGEMENT firms to provide services for the phased construction of a new correctional institution located in Suwannee County, seven (7) miles East of Live Oak on Highway 90. The master plan includes a Main Unit, an Annex

and a Work Camp. The construction budget, over a three year period, is estimated as follows: Phase I (FY 06-07) \$1,427,970, Phase II (FY 07-08) \$27,520,000 and Phase III (FY 08-09) \$56,892,030 for the Main Unit; with the Annex and Work Camp contracted for at a later date pending Legislative appropriation of funds. Applicant must be a licensed general contractor in the State of Florida at the time of application. Further, if a corporation, the applicant must be registered by the Department of State, Division of Corporations, to operate in the State of Florida at the time of application.

The selection will be made in accordance with Chapter 60D-5, Florida Administrative Code, and the Request for Qualification procedures and criteria which may be obtained from: Julyn Hussey, at the address and phone number below. Firms interested in being considered for these projects are encouraged to attend an information meeting at: the Department of Corrections Central Office, Room B356, 2601 Blair Stone Road, Tallahassee, Florida, on October 10, 2006, at 10:00 a.m. (Eastern Daylight Time) (EDT).

To be considered, interested firms must submit an application in accordance with the Request for Qualifications by October 24, 2006, at 4:00 p.m. (Eastern Daylight Time) (EDT), faxed submissions are not acceptable. Submit copies of your Statement Of Qualification to: the Department of Corrections, Attn.: Julyn Hussey, Bureau of Procurement and Supply, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500, (850)410-4049.

The State of Florida's performance and obligation to contract for these services are contingent upon annual appropriation by the Legislature.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Request for Proposal (RFP)
Management Consulting Services

The Florida Engineers Management Corporation (FEMC), intends to retain professional management consulting services to review and evaluate the operations of FEMC.

Proposals may be mailed or delivered to:

Florida Engineers Management Corporation
Attn.: Paul J. Martin, Project Manager
2507 Callaway Road, Suite 200
Tallahassee, Florida 32303

For copies of the RFP please contact: Leigh Ann Dollar, (850)521-0500. Proposals submitted by facsimile are not acceptable. For information relating to the RFP, contact:

RFP Number: 2006-01
Project Manager: Paul J. Martin
Receipt of Proposal: On or before October 31, 2006 at 4:00 p.m.

Contact Person(s): Paul Martin
Marvin Vickers
Contact Number: (850)521-0500

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
BID NO. BDC20-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Jonathan Dickinson State Park Bike Trail
SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to construct the pedestrian path and bike trail.

PARK LOCATION: Jonathan Dickinson State Park, Martin County, Florida.

PROJECT MANAGER: Kimsey Helms, Bureau of Design and Construction, Telephone Number: (850)488-5372, Fax Number: (850)488-3537.

DBE REQUIREMENT: The Department of Environmental Protection and its contractors agree to ensure that contractors shall take all necessary and reasonable steps in accordance with applicable federal and state regulations, to ensure that the Disadvantaged Business Enterprises have the opportunity to compete for and perform bids. The Department shall not discriminate on the basis of race, color national origin or sex in the award and performance of this bid.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on September 22, 2006 at: Jonathan Dickinson State Park, 16450 S. E. Federal Highway, Hobe Sound, Florida 33455, Attention: Mark Nelson, Telephone Number: (772)744-9814.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: the Bureau of Design and Construction,

(850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 3:30 p.m., Tuesday, October 24, 2006, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Construction.

Notice of Bid/Request for Proposal

BID NO. BDC22-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Big Lagoon State Park Hurricane Ivan Governor's Pavilion Restroom and East Beach Bathhouse Rebuild

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to construct a restroom and a bathhouse, and to modify the existing infrastructure including water and sewer hookups. Also includes boardwalks to connect new buildings with existing structures.

PARK LOCATION: Big Lagoon State Park, CR 293 (Bauer Rd.) and CR 292A, Approx. 10 Miles S. W. of Pensacola, Florida – Escambia County.

PROJECT MANAGER: Dale Quick, Bureau of Design and Construction, Telephone Number: (850)488-5372, Fax Number: (850)488-1141.

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit bids five (5) calendar days prior to the opening date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on September 22, 2006 at: Big Lagoon State Park, 12301 Gulf Beach Hwy., Pensacola, Florida 32507, Attention: Lance Logan, Telephone Number: (850)492-1595.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact: the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 4:00 p.m., Tuesday, October 24, 2006, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Contracts Manager, Bureau of Design and Construction.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL OR BUILDING CONTRACTORS, LICENSED BY THE STATE OF FLORIDA, FOR THE CONSTRUCTION OF:

PROJECT NO: CFMO-205206 **ACCOUNTING CODE:** NA
PROJECT NAME AND LOCATION: RENOVATION MARIANNA NATIONAL GUARD ARMORY, MARIANNA, FLORIDA

PROJECT DESCRIPTION: RENOVATION OF EXISTING BUILDINGS INTERIOR AND EXTERIOR TO INCLUDE EXTERIOR SITE WORK AS DEFINED IN THE ARCHITECT/ENGINEERS SPECIFICATIONS.

FOR: Department of Military Affairs, Construction and Facility Management Office

MINORITY PROGRAM: Utilization of MBE participation is highly encouraged from all Bidders.

MANDATORY PRE-BID MEETING: All Prime Bidders interested in bidding on this project are required to attend and address subcontracting opportunities for MBE's.

DATE AND TIME: October 11, 2006, 9:00 a.m. (local time) (Central)

PLACE: Marianna National Guard Armory
3645 U.S. Highway 90, West
Marianna, FL 32447-0961

DISCRIMINATION; DENIAL OR REVOCATION FOR THE RIGHT TO TRANSACT BUSINESS WITH PUBLIC ENTITIES: An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity,

may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity.

PREQUALIFICATIONS: Each bidder whose field is governed by Chapters 399, 455, 489, and 633 of the Florida Statutes, for licensure or certification must submit prequalification data of their eligibility to submit proposals ten (10) calendar days prior to the bid opening date. After the bid opening, the low bidder must qualify in accordance with Section 60D-5.004, F.A.C. A copy of the requirements is included in the Instruction to Bidders under Article B-2 "Bidder Qualification Requirements and Procedures".

PUBLIC ENTITY CRIME INFORMATION STATEMENT: A person, or affiliate, who has been placed on the convicted vendor list following a conviction for a public entity crime may not submit a bid on a contract to provide any goods or services to a public entity, may not submit a bid on a contract with a public entity for the construction or repair of a public building or public work, may not submit bids on leases of real property to a public entity, may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity, and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of 36 months from the date of being placed on the convicted vendor list.

BID SECURITY: If the bid proposal amount is \$100,000 or less, a bid security (5%) is not required.

PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND: If the construction contract award amount is \$100,000 or less, a Performance Bond and Labor and Material Payment Bond are not required.

Sealed bids will be received and publicly opened and read aloud on:

DATE AND TIME: October 31, 2006, 9:00 a.m. (local time) (Central)

PLACE: Marianna National Guard Armory
3645 U.S. Highway 90, West
Marianna, FL 32447-0961

PROPOSAL: Bids may be submitted prior to bid opening date if received by the Department of Military Affairs, NO LATER THAN October 10, 2006, BEFORE CLOSE OF BUSINESS. CFMO ATTN: Mr. Kenneth Hersey, Robert F. Ensslin, 2305 State Road 207, St. Augustine, Florida 32086, (904)823-0282, in full accordance with the requirements of the Drawings, Specifications, Bidding Conditions, and Contractual Conditions, which may be examined and obtained, as of September 22, 2006 from SKINNER VIGNOLA MCLEAN, INC.

DEPOSIT: \$150.00 per set of Drawings and Specifications is required with a limit of two (2) sets per General Contractor or Prime Bidder and one set per mechanical subcontractor and/or electrical subcontractor. The deposit shall only be returned to

those General Contractors, or Prime Bidders, mechanical subcontractors and/or electrical subcontractors, who, after having examined the Drawings and Specifications:

- a. Submit a request for pre-qualification and fail to qualify, or
- b. Submit a bid (in the case of mechanical and/or electrical subcontractor's submission of a bid to a prime bidder), and return the Drawings and Specifications in good condition within fifteen (15) days of the date of receipt of bids.

-OR-

FULL SETS of drawings and specifications may be purchased by payment of the printing and handling cost at the rate of \$125.00 per set.

All Technical questions shall be directed to the A/E until close of business October 24, 2006.

ARCHITECT-ENGINEER: SKINNER VIGNOLA MCLEAN INC., 1628 N. W. 6th Street, Gainesville, Florida 32609
TELEPHONE: (352)378-4400; **FAX:** (352)377-5378;
E-MAIL: svmjim@bellsouth.net, Attn.: James M. Vignola

CONTRACT AWARD: The Bid Tabulation and Notice of Award Recommendation will be posted at the location where the bids were opened as well as the myflorida.com website at http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu, "Search Advertisements". In the event that the Bid tabulation and Notice of Award Recommendation can not be posted in this manner, then all bidders will be notified by certified United States Mail, return receipt requested. If no protest is filed per Section B-21 of the Instructions To Bidders, "Notice and Protests Procedures", the contract will be awarded to the qualified, responsive low bidder in accordance with Rule 60D-5, F.A.C., by the Owner.

The State of Florida's performance and obligation to pay under this contract is contingent upon availability of funding and an annual appropriation by the Legislature.

Section XII Miscellaneous

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), STR Motorsports, Inc., intends to allow the establishment of Cahills of North Tampa, Inc., as a dealership for the sale of KYMCO motorcycles at 8920 North Armenia Avenue, Tampa (Hillsborough County), Florida 33604, on or after September 11, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Cahills of North Tampa, Inc., are dealer operator(s): Daniel L. Ridgeway, 9501 Pine Valley Drive, Odessa, Florida 33556; principal investor(s): Daniel L. Ridgeway, 19501 Pine Valley Drive, Odessa, Florida 33556.

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: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

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.

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: Bruce Ramsey, VP of Sales/Marketing, STR Motorsports, Inc., 1770 Campton Road, Inman, South Carolina 29349.

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), American Lifan Industry, Inc., intends to allow the establishment of West Coast Motorcycle Sales and Service, as a dealership for the sale of Chong Qing Lifan motorcycles, at 6814 46th Avenue North, St. Petersburg (Pinellas County), Florida 33709, on or after September 6, 2006.

The name and address of the dealer operator(s) and principal investor(s) of West Coast Motorcycle Sales and Service are dealer operator(s): Marion Hooper, 6814 46th Avenue, North, St. Petersburg, Florida 33709; principal investor(s): Marion Hooper, 6814 46th Avenue, North, St. Petersburg, Florida 33709.

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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

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

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), STR Motorsports, Inc., intends to allow the establishment of Cahills Motorsports, LLC, as a dealership for the sale of KYMCO motorcycles, at 8820 Highway 301, Zephyrhills (Pasco County), Florida 33541, on or after September 11, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Cahills Motorsports, LLC, are dealer operator(s): Daniel L. Ridgeway, 19501 Pine Valley Drive, Odessa, Florida 33556; principal investor(s): Daniel L. Ridgeway, 19501 Pine Valley Drive, Odessa, Florida 33556.

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

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), Lida Trading USA, Inc., intends to allow the establishment of FlaCycle, Inc., as a dealership for the sale of Chuanl motorcycles at 6022 South Tamiami Trail, Sarasota (Sarasota County), Florida 34231, on or after August 21, 2006.

The name and address of the dealer operator(s) and principal investor(s) of FlaCycle, Inc. are dealer operator(s): Arron Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231; principal investor(s): Arron Friedlander, 6022 South Tamiami Trail, Sarasota, Florida 34231.

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: Chungo Hu, Lida Trading USA, Inc., 8040 Northwest 66th 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), Lida Trading USA, Inc., intends to allow the establishment of House of Scooters, Inc., as a dealership for the sale of Chuanl motorcycles at 1313 North State Road 7, Hollywood (Broward County), Florida 33021, on or after August 21, 2006.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc., are dealer operator(s): Orestes L. Nunez, 1313 North State Road 7, Hollywood, Florida 33021; principal investor(s): Orestes L. Nunez, 1313 North State Road 7, Hollywood, Florida 33021.

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: Chungo Hu, Lida Trading USA, Inc., 8040 Northwest 66th 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 the Establishment of a
Franchised Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mazda Motor of America, Inc. d/b/a Mazda North American Operations intends to permit the establishment of UAG Royal Palm M1, LLC d.b.a. Royal Palm Mazda as a dealership for the sale of Mazda automobiles and trucks at a certain parcel of land lying in Section 31, Township 43 South, Range 42 East, Village of Royal Palm, Palm Beach County, Florida, being a portion of lots 2, 3, 4, 6, 7, 12, 13, 16 and 17, all of lots 5 and 14, including a portion of Ranger Drive, Christopher Court North and Christopher Court South, according to the Plat of 95th Avenue Industrial Park, as recorded in Plat Book 77, pages 13 through 15, which is approximately four tenths (.4) miles east of US 441 on the North Side of US-98/SR-80/Southern Boulevard between 95th Avenue and Sunshine Road. The dealership will be established on or after November 15, 2006.

The dealer operator of the proposed dealership is Glenn Grosso, 581 South Military Trail, West Palm Beach, Florida 33415. The principal investor of the proposed dealership is: United Auto Group, Inc., located at 2555 Telegraph Road,

Bloomfield Hills, Michigan 48302. The person who manages United Auto Group, Inc. is Roger Penske, Sr., whose address is 2555 Telegraph Road, Bloomfield Hills, Michigan 48302.

The notice indicates an intent to establish a dealership 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 proposed replacement.

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: Ms. Nalini Vinayak, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Greg Smith, Dealer Development Manager, Mazda Motor of America, Inc., 4601 Touchton Road, East, Suite 3100, Jacksonville, Florida 32246.

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), Goldenvale, Inc., intends to allow the establishment of Mobility Tech, Inc., as a dealership for the sale of ROKETA motorcycles at 5720 North Florida Avenue, #2, Tampa (Hillsborough County), Florida 33604, on or after September 8, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Mobility Tech, Inc. are dealer operator(s): Carlos Urbizu, 5720 North Florida Avenue, #2, Tampa, Florida 33604; principal investor(s): Carlos Urbizu, 5720 North Florida Avenue, #2, Tampa, Florida 33604.

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 Hillman, Goldenvale, Inc., 2041 South Turner Avenue, Ontario, California 91761.

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 USA Wholesale Scooters, Inc., as a dealership for the sale of KTMEX motorcycles, at 2902 East Sunrise Boulevard, Fort Lauderdale (Broward County), Florida 33304, on or after August 23, 2006.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc., are dealer operator(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

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

AMENDED NOTICE

[The previous publication in Vol. 32, No. 30, dated July 28, 2006, page 3561, has been corrected. In the first paragraph, fourth line down, the proposed location read, "1019 U.S. Highway 30, South," but has been corrected to show, "1019 U.S. Highway 301, South."]

Pursuant to Section 320.642, Florida Statutes, notice is given that Polaris Sales, Inc., intends to allow the relocation of Xtreme Powersports, Inc., d/b/a Xtreme Polaris Victory, as a dealership for the sale of Victory motorcycles from its present location at 502 East Park Road, Plant City, Florida 33563, to a proposed location at 1019 U.S. Highway 301, South, South Tampa (Hillsborough County), Florida 33619, on or after July 12, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Xtreme Powersports, Inc., d/b/a Xtreme Polaris Victory, are dealer operator(s): Hans Klockes, 10204 Elbow Bend, Riverview, Florida, 33569; and Randy Young, 933 Bunker View Drive, Apollo Beach, Florida 33572; principal investor(s): Hans Klockes, 10204 Elbow Bend, Riverview, Florida, 33569; and Randy Young, 933 Bunker View Drive, Apollo Beach, Florida 33572.

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: Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Michael W. Malone, VP Finance, CFO, Polaris Sales, Inc., 2100 Highway 55, Medina, Minnesota 55340-9800.

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), Tank Sports, Inc., intends to allow the establishment of XZILR8ING Enterprises, LLC, d/b/a TRM Rides, as a dealership for the sale of KTMEX motorcycles at 909 49th Street South, Gulfport (Pinellas County), Florida 33707, on or after August 31, 2006.

The name and address of the dealer operator(s) and principal investor(s) of XZILR8ING Enterprises, LLC, d/b/a TRM Rides, are dealer operator(s): Thomas R. Malin III, 5917 Skimmer Point Boulevard South, Gulfport, Florida 33707, and Lois A. Malin, 5917 Skimmer Point Boulevard South, Gulfport, Florida 33707; principal investor(s): Thomas R. Malin III, 5917 Skimmer Point Boulevard South, Gulfport, Florida 33707, and Lois A. Malin, 5917 Skimmer Point Boulevard South, Gulfport, Florida 33707.

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), QLINK, LP, intends to allow the establishment of Lee County Motorsports, Inc., as a dealership for the sale of Zongshen and Chunfeng motorcycles at 5598 8th Street West, LeHigh Acres (Lee County), Florida 33971, on or after April 23, 2006.

The name and address of the dealer operator(s) and principal investor(s) of Lee County Motorsports, Inc., are dealer operator(s): Ronald Heilman, 5598 8th Street, West, LeHigh Acres, Florida 33971; principal investor(s): Ronald Heilman, 5598 8th Street, West, LeHigh Acres, Florida 33971.

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: Johnny Tai, Manager, QLINK, LP, 756 Port America Place, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

**CERTIFICATE OF NEED
EXEMPTIONS**

The Agency for Health Care Administration authorized the following exemptions pursuant to Section 408.036(3), Florida Statutes:

County: Charlotte Service District: 8
ID #0500011 Issue Date: 9/7/2006 Decision: A
Facility/Project: Fawcett Memorial Hospital
Applicant: Fawcett Memorial Hospital, Inc.
Project Description: Provide Percutaneous Coronary Interventions for patients presenting with emergency myocardial infarctions in a hospital without an approved adult open-heart surgery program.
Approved Cost: \$2,267,060

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

**NOTICE OF AVAILABILITY
FLORIDA FINDING OF NO SIGNIFICANT IMPACT
ALACHUA, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed Alachua wastewater facilities will not have a significant adverse affect on the environment. The project proposes construction of a new advanced wastewater treatment plant and supplement disposal system with rapid infiltration basins. The proposed project cost is estimated at \$12,200,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

**NOTICE OF AVAILABILITY
FLORIDA CATEGORICAL EXCLUSION NOTIFICATION
BRADENTON, FLORIDA**

The Florida Department of Environmental Protection has determined that the proposed Bradenton stormwater management will not have a significant adverse affect on the environment. The proposed project consists of rehabilitating the stormwater management facilities. The proposed project cost is estimated at \$16,515,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Categorical Exclusion Notification can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

Notice of Project Solicitation

The Department of Environmental Protection, Office of Greenways and Trails, will accept proposals for land acquisition funding under the Florida Greenways and Trails Program between October 2 and December 18, 2006. Applicants must apply for and receive a "Certificate of Eligibility" prior to submittal of an application. Once eligible, an applicant must submit an original "Application for Acquisition of Land" and twenty-four (24) first-generation copies of the application and supporting documentation to the Office of Greenways and Trails at the address listed below by 5:00 p.m., December 18, 2006. Faxes cannot be accepted.

The Florida Greenways and Trails Program receives approximately \$4.5 million annually, funded through the sale of bonds authorized under the Florida Forever Act. For an application or copy of the rule containing detailed program requirements, call (850)245-2052, or our toll free number 1(877)822-5208, or visit our web site www.floridagreenway.sandtrails.com or write: Office of Greenways and Trails, Department of Environmental Protection, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS 795, Tallahassee, FL 32399-3000.

NOTICE OF AVAILABILITY

FLORIDA FINDING OF NO SIGNIFICANT IMPACT PACE PROPERTY FINANCE AUTHORITY (PPFA), PACE, FLORIDA

The Florida Department of Environmental Protection has determined that the proposed PPFA's wastewater facilities will not have a significant adverse affect on the environment. The proposed project consists of expansion of the PPFA Wastewater Treatment Plant. The proposed project cost is estimated at \$17,100,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds.

A full copy of the Florida Finding of No Significant Impact can be obtained by writing to: Bhupendra Vora, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400.

NOTICE OF WITHDRAWAL OF

PETITION FOR WAIVER UNDER SECTION 120.542, F.S.

On May 12, 2006, the Department of Environmental Protection (Department) took action on a petition for a waiver under Section 120.542, F.S., received from Ryder Partners, II, LLC, (Ryder Partners) on February 17, 2006 (OGC File No. 06-0288). The petition requested a waiver of subsection 62-312.080(7), F.A.C., which restricts the Department when issuing a permit for dredging and filling in Class II waters approved for shellfish harvesting. On June 5, 2006, and July 10, 2006, the Department received a first and second request for extension of time to file a petition for a formal administrative proceeding, both of which were granted. On July 28, 2006, the Department received a letter from counsel for Ryder Partners withdrawing its petition for waiver of subsection 62-312.080(7), F.A.C., filed on February 17, 2006. On September 1, 2006, the Department issued an Order Closing File, because the Department's previously proposed agency action denying Ryder Partners' petition for a waiver under Section 120.542, F.S., was now null and void.

The Department of Environmental Protection, Bureau of Beaches and Coastal Systems, gives notice of its intent to grant a variance (File No. 0157891-013-EV) to the U.S. Army Corps of Engineers (Corps), from paragraph 62-4.244(5)(c), Florida Administrative Code (F.A.C.), to allow a temporary mixing zone greater than 150 meters for turbidity within an area of Class III Waters of the Gulf of Mexico, Outstanding Florida Waters (OFW), within the Boca Ciega Bay Aquatic Preserve. The variance is associated with a major modification to the Tampa Harbor Comprehensive Maintenance Dredging Project for the Ft. DeSoto Dredged Material Placement project (File No. 0157891-011-EM). The activity is located in Pinellas County, Gulf of Mexico, Class III Waters, Boca Ciega Bay Aquatic Preserve, Outstanding Florida Waters (OFW).

A person whose substantial interests are affected by the Department's proposed action may petition for an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Because the administrative hearing process is designed to redetermine final agency action on the application, the filing of a petition for an administrative hearing may result in a modification of the variance or even a denial of the application. Under subsection 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action

may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

In the event that a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Any intervention will be only at the discretion of the presiding judge upon the filing of a motion in compliance with Rule 28-106.205, F.A.C.

In accordance with subsection 28-106.111(2) and subparagraph 62-110.106(3)(a)(1), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), F.S., however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S.

In accordance with Rule 28-106.301, F.A.C., a petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A

statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, F.A.C. Under Sections 120.569(2)(c), and (d), F.S., a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to grant variance constitutes an order of the Department. The applicant has the right to seek judicial review of the order under Section 120.68, F.S., by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the final order is filed with the Clerk of the Department. The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 5050 West Tennessee Street, Building B, Tallahassee, Florida 32304-9201.

DEPARTMENT OF HEALTH

On September 11, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Debra Archer Hauenstein, R.N., license number RN 2940992. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections

456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 11, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Carlos E. Ibanez, license number TN 32023. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 11, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cheryl R. Kelly, R.N. license number RN 9243935. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 11, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jennifer Lee Scruggs, R.N., license number RN 9199437. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 11, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Sheilagh Kathleen Tuttle, L.P.N., license number PN 5146776. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On September 6, 2006, M. Rony François, M.D., M.S.P.H., Ph.D., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Joseph J. Sutura, R.Ph., license number PS 28249. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073, and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following applications. Comments may be submitted to: the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., October 13, 2006):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Tri-County Bank, Trenton, Florida

Proposed Purchaser: First M&F Corporation, Kosciusko, MS
Received: September 1, 2006

APPLICATIONS WITHDRAWN

Application To Organize A Successor Institution: Cornerstone Interim Company (In Organization), St. Petersburg, Florida

Withdrawn: August 30, 2006

Application To Merge:

Constituent Institutions: Cornerstone Community Bank, St. Petersburg, Florida and Cornerstone Interim Company (In Organization), St. Petersburg, Florida

Resulting Institution: Cornerstone Community Bank

Withdrawn: August 30, 2006

APPLICATION TO MERGE

Constituent Institutions: First Florida Credit Union, Jacksonville, Florida, and Seaboard Credit Union, Jacksonville, Florida

Resulting Institution: First Florida Credit Union

Received: September 8, 2006

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be acquired: The Bank Brevard, Melbourne, Florida

Proposed Purchasers: Castle Creek Capital Partners III, LP, Castle Creek Capital III LLC, John M. Eggemeyer III, William J. Ruh and Mark G. Merlo

Received: September 8, 2006

APPLICATION FOR A NEW FINANCIAL INSTITUTION

Applicant and Proposed Location: Gateway Bank of Central Florida, 2210 SE 17th Street, Suite 301, Ocala, Marion County, Florida 34471

Correspondent: John P. Greeley, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: September 8, 2006

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN September 5, 2006
 and September 8, 2006

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Food Safety

5K-6.010	9/5/06	10/1/06	32/30	
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AGENCY FOR HEALTH CARE ADMINISTRATION

Office of Licensure and Certification

59A-9.018	9/5/06	9/25/06	32/21	32/32
59A-9.019	9/5/06	9/25/06	32/21	32/32
59A-9.020	9/5/06	9/25/06	32/21	
59A-9.021	9/5/06	9/25/06	32/21	32/32
59A-9.022	9/5/06	9/25/06	32/21	
59A-9.0225	9/5/06	9/25/06	32/21	
59A-9.023	9/5/06	9/25/06	32/21	
59A-9.024	9/5/06	9/25/06	32/21	
59A-9.025	9/5/06	9/25/06	32/21	
59A-9.026	9/5/06	9/25/06	32/21	
59A-9.027	9/5/06	9/25/06	32/21	
59A-9.028	9/5/06	9/25/06	32/21	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
59A-9.029	9/5/06	9/25/06	32/21	
59A-9.030	9/5/06	9/25/06	32/21	
59A-9.031	9/5/06	9/25/06	32/21	
59A-9.034	9/5/06	9/25/06	32/21	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Construction Industry Licensing Board

61G4-18.001	9/7/06	9/27/06	32/27	
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DEPARTMENT OF HEALTH

Board of Acupuncture

64B1-9.007	9/7/06	9/27/06	32/31	
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Board of Clinical Social Work, Marriage and Family

64B4-3.008	9/8/06	9/28/06	32/29	
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Board of Opticianry

64B12-16.003	9/7/06	9/27/06	32/21	32/32
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Council of Licensed Midwifery

64B24-5.004	9/8/06	9/28/06	32/30	
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