

**Section I**

**Notices of Development of Proposed Rules and Negotiated Rulemaking**

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Licensing**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
5N-1.116	Classification of Licenses; Insurance; Fees
5N-1.140	School Curriculum; Examinations; Retention of Records

**PURPOSE AND EFFECT:** The purpose is to: amend Rule 5N-1.116, F.A.C., to provide language on the cost of an examination for Class “M,” “MA,” and “C” applicants (called the “private investigator examination”) in a fee section of rule; amend Rule 5N-1.140, F.A.C., by promulgating a form for use by Class “M,” “MA,” and “C” applicants to send to the Division as proof that they have successfully passed the private investigator examination covering the provisions of Ch. 493, F.S., amend Rule 5N-1.140, F.A.C., to establish the content of the private investigator examination and the manner and procedure of its administration. The effect is to implement 2007 Laws of Florida, s. 1, ch. 2007-232.

**SUBJECT AREA TO BE ADDRESSED:** An examination for new private investigator and private investigative agency manager applicants and a form for use by these applicants so they may prove successful completion of the examination; cost of the examination.

**SPECIFIC AUTHORITY:** Section 1, ch. 2007-232, Laws of Florida.

**LAW IMPLEMENTED:** 493.6203(5) (2007) 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:** September 26, 2007, 10:00 a.m.

**PLACE:** Conference Room, 2520 North Monroe Street, Tallahassee, Florida 32303

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** John V. McCarthy, Assistant General Counsel, Division of Licensing, Department of Agriculture and Consumer Services, 2520 North Monroe Street, Tallahassee, FL 32303, telephone: (850)245-5506; Fax: (850)245-5505

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-43.0031	Definitions
9B-43.0041	Application and Administrative Requirements
9B-43.0051	Grant Administration and Project Implementation
9B-43.0061	Emergency Set-Aside Assistance
9B-43.0071	Section 108 Loan Guarantee Program

**PURPOSE AND EFFECT:** To seek input, exchange ideas and gather information that can be utilized in the development of a program rule and application for Federal Fiscal Year 2008. At the workgroup meeting, staff from the CDBG program will provide an overview of the program and answer questions. Interested parties are encouraged to attend. Recommendations for rule change and/or revisions will be accepted starting from the date of the first workgroup meeting.

This is the first of two (2) rule development workgroup meetings. The second meeting time and location will be noticed separately.

**SUBJECT AREA TO BE ADDRESSED:** Florida Small Cities Community Development Block Grant Program Chapter 9B-43, F.A.C.

**SPECIFIC AUTHORITY:** 290.044, 290.048 FS.

**LAW IMPLEMENTED:** 290.042, 290.043, 290.044, 290.0455, 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:** September 26, 2007, 1:00 p.m. – 5:00 p.m.

**PLACE:** Betty Easley Conference Center, Room 148, 4075 Esplanade Way, 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 5 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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:** Gail Stafford, Department of Community Affairs, 2555 Shumard Oak Boulevard, (850)487-3644, e-mail: gail.stafford@dca.state.fl.us

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

**DEPARTMENT OF COMMUNITY AFFAIRS**

**Division of Housing and Community Development**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
9B-44.003	Products, Standards and Test Methods
9B-44.004	Certification
9B-44.005	Identification

**PURPOSE AND EFFECT:** Increase the efficiency of consumer products subject to Part VI, Chapter 553, Florida Statutes, by 15% compared to current standards in accordance with Executive Order 2007-127.

**SUBJECT AREA TO BE ADDRESSED:** Energy efficiency standards for consumer products.

**SPECIFIC AUTHORITY:** 553.954, 553.961 FS.

**LAW IMPLEMENTED:** 553.955(8)(c), 553.957, 553.961, 553.963, 553.971 FS.

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

**DATE AND TIME:** October 18, 2007, 1:00 p.m.

**PLACE:** Randall Kelley Training Room, 3rd Floor, 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: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. 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:** Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

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

**DEPARTMENT OF REVENUE**

**Sales and Use Tax**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
12A-19.100	Public Use Forms

**PURPOSE AND EFFECT:** The purpose of the proposed amendments to Rule 12A-19.100, F.A.C. (Public Use Forms) is to provide which version of Form DR-700016, Florida

Communications Services Tax Return, is to be used to report communications services tax on services billed on or after January 1, 2008.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is the adoption, by reference, of revisions to Form DR-700016, Communications Services Tax Return, effective January 2008.

**SPECIFIC AUTHORITY:** 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS.

**LAW IMPLEMENTED:** 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (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:** September 11, 2007, 9:00 a.m.

**PLACE:** Room 118, Carlton Building, 501 S. Calhoun 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 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. 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:** Jamie Peate, Operations Analyst, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4726

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

12A-19.100 Public Use Forms.

(1)(a) The Department employs the following public-use forms and instructions in the administration of Chapter 202, F.S., Communications Services Tax. These forms are hereby incorporated by reference in this rule.

(b) No change.

(2) The following versions of Form DR-700016, Florida Communications Services Tax Return, are applicable to the reporting periods and service billing dates indicated:

REVISION DATE	REPORTING PERIODS –	SERVICE BILLING DATES –
01/08	January 2008 –	January 1, 2008 –
09/07	September 2007 – December 2007	September 1, 2007 – December 31, 2007
06/07	June 2007– August 2007	June 1, 2007 – August 31, 2007
02/07	February 2007 – May 2007	February 1, 2007 – May 31, 2007
01/07	January 2007	January 1, 2007 – January 31, 2007
06/06	June 2006 – December 2006	June 1, 2006 – December 31, 2006
01/06	January 2006 – May 2006	January 1, 2006 – May 31, 2006
11/05	November 2005 – December 2005	November 1, 2005 – December 31, 2005
06/05	June 2005 – October 2005	June 1, 2005 – October 31, 2005
01/05	January 2005 – May 2005	January 1, 2005 – May 31, 2005
11/04	November 2004 – December 2004	November 1, 2004 – December 31, 2004
10/04	October 2004	October 1, 2004 – October 31, 2004
06/04	June 2004 – September 2004	June 1, 2004 – September 30, 2004
01/04	January 2004 – May 2004	January 1, 2004 – May 31, 2004
12/03	December 2003	December 1, 2003 – December 31, 2003
11/03	November 2003	November 1, 2003 – November 30, 2003
10/03	October 2003	October 1, 2003 – October 31, 2003
06/03	June 2003 – September 2003	June 1, 2003 – September 30, 2003
03/03	March 2003 – May 2003	March 1, 2003 – May 31, 2003
01/03	January 2003 – February 2003	January 1, 2003 – February 28, 2003
12/02	December 2002	December 1, 2002 – December 31, 2002
11/02	November 2002	November 1, 2002 – November 30, 2002
10/02	October 2002	October 1, 2002 – October 31, 2002
01/02	January 2002 – September 2002	January 1, 2002 – September 30, 2002
12/01	October 2001 – December 2001	October 1, 2001 – December 31, 2001

Form Number Title Effective Date

(3) No change.

(4)(a) DR-700016 Florida Communications Services Tax Return  
(R. 01/08)

(a) through (x) renumbered (b) through (y) No change.

(5) through (12) No change.

Specific Authority 202.151, 202.16(2), 202.26(3)(a), (c), (d), (e), (j), 202.27(7) FS. Law Implemented 202.11(3), (10), (11), 202.12(1), (3), 202.13(2), 202.151, 202.16(2), (4), 202.17(6), 202.19(1), (7), 202.22(6), 202.27, 202.28(1), (2), 202.30, 202.33, 202.34(3), (4)(c), 202.35(1), (2) FS. History–New 4-17-03, Amended 7-31-03, 10-1-03, 9-28-04, 6-28-05, 11-14-05, 7-16-05, 4-5-07, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-22.0011	General Procedural Requirements
14-22.002	Regulations Covering Qualification of Contractors
14-22.006	Current Capacity Rating
14-22.012	Suspension, Revocation, or Denial of Qualification
14-22.0121	Reapplication and Reinstatement
14-22.0141	Contractor Non-Responsibility
14-22.015	Forms

PURPOSE AND EFFECT: This rule chapter amendment provides for electronic application for qualification with the Department and certification of current capacity.

SUBJECT AREA TO BE ADDRESSED: The contractor application for qualification process is being amended to establish an electronic application submittal.

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

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-22.0011 General Procedural Requirements.

(1) This rule chapter sets forth requirements for applicants to be certified by the Department as qualified to bid for the performance of road, bridge, or public transportation construction contracts, in excess of \$250,000.

(2) Except for the provisions of Rules 14-22.012 and 14-22.0141, F.A.C., this rule chapter does not apply to bidders who wish to bid on construction contracts of \$250,000 or less, or other contracts not having to do with the construction of roads, bridges, or other public transportation projects, or where the Department has waived the qualification requirements of Construction projects having a contract price of less than \$500,000 due to the determination that the projects are of a noncritical nature and that waiver of qualification requirements will not endanger public health, safety, or property.

(3) through (4)(b)5. No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 120.569, 337.11(3)(b), 337.11(5)(a)1.-3., 337.11(7)(b)1., 337.11(7)(c), 337.14, 337.16, 337.165, 337.167 FS. History--New 11-10-82, Amended 8-25-83, Formerly 14-22.011, Amended 12-20-89, 1-4-94, 7-1-95, Amended 8-6-96, 1-17-99, 7-8-01, 6-27-04, \_\_\_\_\_.

14-22.002 Regulations Covering Qualification of Contractors.

(1) Application for Qualification.

(a) Persons or firms who desire to qualify with the Department in order to bid for the performance of road, bridge, or public transportation construction projects in excess of \$250,000, shall file annually with the Department ~~two copies of an electronic application for qualification. An application for qualification shall be filed electronically on the website <http://www.dot.state.fl.us/cc-admin/default.htm>. Information regarding the electronic application can be obtained by writing to the Department at the address listed below. Persons or firms may obtain information on how to obtain a user name and password to use the electronic application filing process by contacting the Contracts Administration Office at the address below. The electronic application will consist of requested information on the Applicant, Applicant's stakeholder, Applicant's affiliates, and would include the Applicant firm's background, current and historical contract detail, construction experience, and expertise, financial information and requested work classes. Persons or firms shall also file two hard copies of including audited financial statements as required by this section via hand delivery or mail to Department of Transportation, Contracts Administration Office, 605 Suwannee Street, MS 55, Room 60, Haydon Burns Building, Tallahassee, Florida 32399-0455.~~ For purposes of this rule, "filing" is defined as receipt of the application and audited financial statements by the Contracts Administration Office; ~~MS 55, Room 60, Haydon Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0455.~~

(b) through (4)(b)5. No change.

Specific Authority 334.044(2), 337.14(1), 337.167 FS. Law Implemented 337.14, 337.164, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(1),(2),(3), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.02, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 6-27-04, 5-15-06, \_\_\_\_\_.

14-22.006 Current Capacity Rating.

(1) through (2) No change.

(3) In order for the Department to have the information required to determine a bidder's Current Capacity, it is necessary that the bidder certify the total dollar amount of all work the bidder has underway. This certification shall be accomplished electronically in the manner directed by the Department submit on the day of the letting, a Certification of Current Capacity, Form 375-020-22, Rev. 05/05, that shall be executed under oath. This certification shall be accomplished electronically in the manner directed by the Department concurrently with form must be included in the bid submittal for the first letting in the calendar month that the bidder submits a bid. Failure to submit this certification document shall result in a determination that all bids submitted by the bidder for that letting are disqualified and are rejected, pursuant to Rule 14-22.009, F.A.C. The Department shall include instructions to meet this requirement the Certification of Current Capacity, Form 375-020-22, Rev. 05/05 with the proposal documents issued to the bidder.

(4) In submitting this preparing the cCertification of Current Capacity, Form 375-020-22, Rev. 05/05 the following shall apply:

(a) through (c) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 337.11(3)(b), 337.11(5)(a)1.-3., 337.11 (7)(b)1., 337.11(7)(c), 337.14, 337.164 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 7-24-75, Formerly 14-22.01(8), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.06, Amended 12-20-89, 6-27-90, 1-4-94, 7-1-95, 7-2-95, 12-18-05, 5-15-06, \_\_\_\_\_.

14-22.012 Suspension, Revocation, or Denial of Qualification.

(1) through (1)(a)2. No change.

3. The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payment or any information required by any Department contract, including the cCertification of work underway Current Capacity to the Department.

4. through (6) No change.

Specific Authority 334.044(2), 337.14(1) FS. Law Implemented 334.044(27), 337.11, 337.14, 337.16, 337.165, 337.167 FS. History--Formerly Chapter 14-8, Amended 7-1-67, 8-20-68, 5-9-70, 1-6-72, 9-24-75, Formerly 14-22.01(11), Amended 3-23-79, 11-10-82, 8-25-83, 10-1-85, Formerly 14-22.12, Amended 12-20-89, 1-4-94, 7-1-95, 7-2-95, 2-16-99, 7-8-01, 6-27-04, \_\_\_\_\_.

14-22.0121 Reapplication and Reinstatement.

(1) through (2) No change.

(3) If the petition for reapplication or reinstatement is granted, the contractor must file a current Application for Qualification, ~~Form 375-020-32, Rev. 12/98~~, with the Contracts Administration Office, ~~MS 55, Room 60, Hayden Burns Building, 605 Suwannee Street, Tallahassee, Florida 32399-0455~~. Reinstatement shall not be effective until issuance of a Certificate of Qualification. The financial statements submitted with the reinstatement application must comply with subsection 14-22.002(2), F.A.C.

Specific Authority 334.044(2), 337.14(1), 337.167(2) FS. Law Implemented 337.14, 337.16, 337.164, 337.165, 337.167 FS. History—New 8-25-83, Amended 10-1-85, Formerly 14-22.121, Amended 12-20-89, 1-4-94,\_\_\_\_\_.

14-22.0141 Contractor Non-Responsibility.

(1) Contractors who wish to bid for the performance of construction contracts less than or equal to \$250,000, or any maintenance contracts, are presumed to be responsible bidders unless the Department determines that good cause exists to declare the contractor non-responsible, which shall include the following:

(a) One of the circumstances specified in Section 337.16(2), Florida Statutes, occurs;

(b) The contractor or its affiliate defaulted on any contract, or the contract surety assumed control of or financial responsibility for, any contract of the contractor;

(c) The contractor’s qualification to bid is suspended, revoked, or denied by any public agency or semi-public agency;

(d) The contractor made or submitted to the Department false, deceptive, or fraudulent statements, certifications, or materials in any claim for payments or any information required by any Department contract;

(e) The contractor failed to comply with contract requirements, or failed to follow Department direction in the execution of a contract;

(f) The contractor did not pay its subcontractors or suppliers in a timely manner or in compliance with contract documents;

(g) The contractor or affiliate(s) has been convicted of a contract crime, as provided in Section 337.165, F.S.;

(h) An affiliate of the contractor has previously been determined by the Department to be non-responsible, and the specified period of suspension, revocation, or denial remains in effect.

(i) The contractor has demonstrated instances of poor or unsatisfactory performance, deficient management resulting in project delay, poor quality workmanship, a history of payment of liquidated damages, untimely completion of projects where liquidated damages were not paid, uncooperative attitude, contract litigation, claims, or defaults.

(j) When the Department determines that any other circumstance constituting “good cause” under Section 337.16(2), Florida Statutes, exists.

(2) Determination of Contractor Non-Responsibility. The Contractor will be determined to be non-responsible and ineligible to bid on Department contracts for a period of time, based on the seriousness of the deficiency.

(a) Examples of factors affecting the seriousness of a deficiency are:

1. Impacts on project schedule, cost, or quality of work;
2. Unsafe conditions allowed to exist;
3. Complaints from the public;
4. Delay or interference with the bidding process
5. The potential for repetition;
6. Integrity of the public construction process; and
7. Effect on the health, safety, and welfare of the public.

(b) The time frames associated with paragraphs 14-22.0121(1)(a) through (b), F.A.C., shall be used as factors for the determination of seriousness of Contractor Non-Responsibility.

~~(c)(b)~~ This rule does not limit the Department’s ability to reject a bid submitted by a contractor, or cancel an award, for a particular contract based upon the contractor being non-responsible.

(3) Notice of intended agency action under this section will be provided in accordance with Rule 28-106.111, F.A.C. The Department’s action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201 and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department’s Clerk of Agency Proceedings within 21 days after receipt of the Department’s notice, in accordance with Rule 28-106.111, F.A.C.

Specific Authority 334.044(2) FS. Law Implemented 337.16(2) FS. History—New 4-11-95, Amended 12-7-97, 7-8-01, 6-27-04,\_\_\_\_\_.

14-22.015 Forms.

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

Form Number	Date	Title
<del>375-020-32</del>	<del>01/06</del>	<del>Application for Qualification</del>
<del>375-020-22</del>	<del>05/05</del>	<del>Certification of Current Capacity</del>
700-010-25	09/05	Contractor Past Performance Report
375-020-37	07/06	Application for Qualification for Emergency Debris Removal

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

DEPARTMENT OF TRANSPORTATION

RULE NOS.:	RULE TITLES:
14-28.0011	Definitions
14-28.0012	Forms
14-28.002	Public Use of Rest Areas and Welcome Centers
14-28.003	Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes
14-28.005	Solicitation Within Rest Areas and Welcome Centers
14-28.006	Notification
14-28.007	Solicitation Restrictions
14-28.008	Suspension or Revocation of a Solicitation Permit

PURPOSE AND EFFECT: This rule chapter is being amended and restructured, including repealing six of the existing rules. The repeal of rules is part of the Department’s overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining two rules are simplified. The rule chapter title also is amended.

SUBJECT AREA TO BE ADDRESSED: Six of the existing rules are being repealed and the remaining two rules are simplified. The rule chapter title also is amended.

SPECIFIC AUTHORITY: 334.044(2), 337.405, 337.406, 496.425 FS.

LAW IMPLEMENTED: 316.130, 334.044(13), (28), 335.02(1), 337.405, 337.406, 496.425 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

REST AREAS AND WELCOME CENTERS  
PUBLIC USE OF REST AREAS, WAYSIDE  
PARKS, AND SOLICITATION  
ON STATE HIGHWAY FACILITIES

14-28.0011 Definitions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.404 FS. History–New 10-25-89, Amended 7-6-93, Repealed.

14-28.0012 Forms.

Specific Authority 120.53(1)(b), 120.60, 334.044(2) FS. Law Implemented 120.53(1)(b), 120.60, 334.044(2), 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 7-6-93, Repealed.

14-28.002 Public Use of Rest Areas and Welcome Centers  
Wayside Park Regulations.

Rest areas and welcome centers ~~wayside parks~~ are provided as safety rest stops for travelers to use on a first come, first served basis. Persons using rest areas and welcome centers ~~wayside parks~~ shall comply with the following requirements:

- (1) Group functions are prohibited.
- (2) Camping is prohibited.
- (3) The use of alcoholic beverages and drugs is prohibited.
- (4) Parking for periods greater than three hours is prohibited. This does not apply to solicitations ~~participants~~ permitted under Rules 14-28.003 and 14-28.005, F.A.C.
- (5) All vehicles must be parked in the proper manner at locations designated by the Florida Department of Transportation (Department).
- (6) Animals must be kept on leash or in other appropriate restraining devices, e.g. cages, and shall not be taken into any shelters or other buildings. This provision is not applicable to animals used by ~~the blind or other handicapped~~ persons with disabilities.
- (7) No person shall disturb or injure birds, nests, eggs, squirrels, or any other animals within the area.
- (8) No person shall pick any flowers, foliage, fruit; or cut, break, dig up, or in any way mutilate or injure any tree, shrub, plant, grass turf, railing seat, fence, structure or anything within the area; or cut, carve, write, paint or paste on any tree, stone, fence, wall, building, monument or other object therein, any bill, advertisement or inscription whatsoever.
- (9) No person shall dig up or remove any dirt, stones, rocks or other objects; make any excavation, quarry any stones or lay or set off any blast or cause or assist in doing any of these activities within the area.
- (10) Fires shall be made only in fire places or grills provided for this purpose and any person building a fire will be responsible for completely extinguishing the fire before leaving the area.
- (11) No article or object shall be offered for sale within the area, ~~except as authorized by law.~~
- (12) Bottles, broken glass, ashes, waste paper or other rubbish shall be left only at such places provided for disposal ~~by the Department.~~
- (13) No person, ~~except permitted non-profit organizations,~~ shall hook up his or her vehicle to ~~Department~~ electrical and water outlets. ~~All costs of making these hook ups shall be at the permittee’s expense. The permittee will be responsible for the safety of all connections, hoses, wires, etc. Hazardous situations may be identified by the Department and must be~~

corrected by the permittee immediately. Failure to do so shall result in revocation of the permit. The permittee will be responsible for obtaining all local government permits and health department approvals, which will be posted where they can be seen easily. All damages to Department property shall be repaired at the permittee's expense.

Specific Authority 334.044(2), 337.405, 337.406 FS. Law Implemented 334.044(13), 335.02(1), 337.405, 337.406(4) FS. History—New 9-2-82, Formerly 14-28.02, Amended 10-25-89, 8-28-91, 7-6-93, \_\_\_\_\_.

14-28.003 Procedures for Use of Rest Areas and Wayside Parks for Non-Profit Organizations to Assemble for Safety Purposes.

Specific Authority 334.044(2), 335.16(1) FS. Law Implemented 334.044 (28), 335.16(1), 337.406(1) FS. History—New 9-2-82, Formerly 14-28.03, Amended 10-25-89, 8-28-91, 7-6-93, Repealed \_\_\_\_\_.

14-28.005 Solicitation Within Rest Areas and Welcome Centers Permits.

(1) Only ~~non-profit organizations registered with the Department of Agriculture and Consumer Services, pursuant to Chapter 496, F.S., and holding a valid consumer certificate of exemption issued by the Department of Revenue may apply for a solicitation permit to solicit funds which have secured may solicit within approved rest areas and welcome centers the Department public access facilities. Permits for solicitation within the Department public access facilities are issued by the Department and permits for solicitation on state roads are issued by the appropriate Local Governmental Entity.~~

(2) ~~Non-profit organizations which have secured a solicitation permit, Form Number 850-040-70, 01/93, from the Department may solicit at approved interstate rest areas, Welcome Center rest areas, turnpike service plazas, and other approved Department public access facilities.~~

(2)(a) ~~A non-profit The organization must obtain a separate solicitation permit from each Department District within the whose boundaries of the intended solicitation it will solicit or from the Maintenance Office of Florida's Turnpike for solicitation on Florida's Turnpike System.~~

(3)(b) ~~Permit Applications for Solicitation at a Department Rest Area or Welcome Center, Form Number 850-040-70, 06-07 ~~01/93~~, and Indemnification Agreement, Form 850-040-72, 06/07, incorporated herein, may be obtained from any of the Department's District or Area Maintenance Offices(s) or the Maintenance Office of Florida's Turnpike. A The completed application shall ~~may then~~ be submitted by the permittee to the appropriate District or Area Maintenance Office(s). The District Maintenance Engineer or designee will be responsible for approval or denial of the permit.~~

(4)(e) The permit application shall include:

1. The name, mailing address, and telephone number of the organization applying for the permit.

2. A description of the proposed activities.

~~(a)3. A copy of the Consumer's Certificate of Exemption issued to the applicant by the Florida Department of Revenue.~~

~~4. An indemnification agreement, Form Number 850-040-72, 01/93, stating that in consideration of receiving a permit, the applicant agrees to indemnify, defend, save, and hold harmless the Department from all claims, demands, liabilities, and suits of any nature arising out of or because of any activities or actions taken by the permittee.~~

~~(b)5. Proof of registration with A copy of the letter of compliance or exemption issued by the Florida Department of Agriculture, Division of Consumer Services. This will apply to all non-profit organizations except religious or educational institutions, state agencies, or other government entities and political contributions solicited in accordance with the election laws of this state.~~

~~(c) An executed Indemnification Agreement, Form 850-040-72.~~

~~(d) Within 15 days of any change in the information submitted in the permit application, the applicant shall provide the Department with the corrected information.~~

~~(e) A solicitation permit shall be valid only in the Department District in which it is issued for one year from the date of its issuance, and a copy of the approved permit shall be kept on file in the District Maintenance Office for this period of time.~~

~~(f) Time frames associated with the approval, denial, suspension, or revocation of a solicitation permit shall be in accordance with Chapter 120, F.S.~~

~~(3) Non-profit organizations, which have secured approval of the appropriate local government authority may solicit at the approved location on the state road. Permits for solicitation on state roads located within city limits should be obtained from and issued by the city. Permits for solicitation on state roads located outside city limits should be obtained from and issued by the county in which the state road is located. Permits for solicitation on expressways should be obtained from and issued by the expressway authority and any local governmental entity with jurisdiction.~~

~~(5) The Maintenance Engineer or designee having jurisdiction over the facility will designate an area within the premises for the permittee's use, and specify any other restrictions in the permit, such as the number of persons and the hours permitted, according to the available space, hours of operation, and security of the location.~~

~~(6) In the event more than one organization wishes to solicit during the same period at the same site, the first complete application received by the Department will be the first considered for approval.~~

~~(7) The permittee shall comply with the provisions of Section 496.425, F.S., and the restrictions specified in the permit.~~

~~(8) All permittees shall also comply with the following:~~

(a) Solicitation shall not be conducted on any area paved for vehicular travel or within any area of construction.

(b) Solicitation shall not be conducted in or around any area reserved for a particular use, such as a parking area, restroom facility, sidewalk, dining area, vending machine area, stairwells, doors of public circulation, and foyers.

(c) No advertising of the organization will be allowed on the roadway. Only one sign, no larger than 3' x 5', displaying the organization's name and the permit will be allowed in the designated area. The sign shall clearly contain the following language: "Those soliciting are not employed or endorsed by the State of Florida."

(d) No solicitor may be under the age of 18 years.

(e) Solicitors shall comply with all applicable laws and no organization or solicitor may:

1. Knowingly solicit from on duty state employees, on duty employees of a state contractor, or employees of authorized business on the premises.

2. Harass any person, including demanding, threatening, or intimidating conduct, or persist after solicitation has been declined.

3. Hamper or impede the conduct of any authorized business.

4. Request a minimum contribution or specify an amount of contribution.

5. Offer food or drink at a site where food or drinks are made available under the auspices of the State.

6. Obstruct, delay, or interfere with or distract from the free movement of either pedestrians or vehicular traffic, or

7. Create a safety or operation problem for the Department, or a danger to the public health, safety, and welfare.

(9) The permittee shall submit a Notification and Request for Facility Use, Form Number 850-040-71, 06/07, incorporated herein, to the appropriate District or Area Maintenance Office at least three days prior to undertaking any solicitation and no more than 60 days prior to an event. Each event may not exceed one week. A copy of Form 850-040-71 may be obtained from any of the Department's District or Area Maintenance Office(s).

(10) The permittee shall maintain its registration pursuant to Chapter 496, F.S., and the exemption by the Department of Revenue during the permit period, and shall immediately inform the Department of any change in status. The permit becomes invalid at the time the permittee is no longer a qualified entity under Section 496.425, F.S. The Department has the authority to suspend or revoke a permit for any violation of this rule chapter in accordance with Section 496.425, F.S.

Specific Authority ~~120.53(1)(a),(b), 120.60,~~ 334.044(2), 337.406, 496.425 FS. Law Implemented 316.130, 334.044(13), (28), 335.02(4), 337.406(4), 496.425 FS. History–New 10-25-89, Amended 7-6-93, \_\_\_\_\_.

14-28.006 Notification.

Specific Authority 120.53(1)(a), 334.044(2) FS. Law Implemented 316.130, 334.044(28), 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 5-23-90, 7-6-93, Repealed \_\_\_\_\_.

14-28.007 Solicitation Restrictions.

Specific Authority 334.044(2) FS. Law Implemented 316.130, 335.02(1), 337.406(1), 496.425 FS. History–New 10-25-89, Amended 7-6-93, Repealed \_\_\_\_\_.

14-28.008 Suspension or Revocation of a Solicitation Permit.

Specific Authority 120.60, 334.044(2) FS. Law Implemented 120.60, 316.130, 335.02(1), 337.406(1), 496.415, 496.416, 496.417, 496.425 FS. History–New 10-25-89, Amended 7-6-93, 1-17-99, Repealed \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-63.001	Scope
14-63.0011	Definitions
14-63.002	General Requirements for Building Movement Permit Issuance
14-63.0021	Single Move Permits
14-63.003	Single Move Permit Size Limitations
14-63.004	Movement Restrictions for All Permits
14-63.005	Special Permits
14-63.0051	Annual Permits for Factory-Built School Buildings
14-63.006	Fees
14-63.007	Bond Requirements
14-63.008	Traffic Control
14-63.0091	Application Procedure and Notice to Others
14-63.0101	Liability and Insurance
14-63.011	Non-Compliance

PURPOSE AND EFFECT: This is an amendment to Rule Chapter 14-63, F.A.C., including repeal of nine rules and other amendments to clarify the rules. The repeal of rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SUBJECT AREA TO BE ADDRESSED: Rule Chapter 14-63, F.A.C., is being amended to clarify the regulations relating to building moving permits and to repeal rules within the chapter. A revised Permit to Move Building Over State Roads, Form 850-040-90, is incorporated by reference.

SPECIFIC AUTHORITY: 316.550 FS.

LAW IMPLEMENTED: 334.03, 316.550 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

#### 14-63.001 Scope.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Amended 7-9-75, Formerly 14-63.01, Amended 1-3-90, Repealed \_\_\_\_\_.

#### 14-63.0011 Definitions.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 1-3-90, Amended 7-1-92, Repealed \_\_\_\_\_.

14-63.002 General Requirements ~~Authorization~~ for Building Movement Permit Issuance.

(1) ~~Each The Department~~ District Maintenance Office is authorized to issue building movement permits ~~for allowing the movement of houses and other similar buildings traveling upon state roads, other than limited access facilities, highways. These permits are issued only under certain conditions which are intended to ensure safety and reduce to a minimum any inconvenience to the highway user. The approval of all building movement permits is the responsibility of the District Office in its the dDistrict in which the movement occurs. For purposes of this rule, “building” means a fixed structure normally attached to a foundation with walls and roof, and does not include mobile homes, modular buildings, and manufactured housing. If the proposed housemoving route involves occurs in more than one district, then each affected Ddistrict Maintenance Ooffice will be responsible to review and issue a permit for the portion of the route that lies within its their boundaries. If the proposed move involves only crossing a state road highway, a permit will not be required, but the-The mover is required to notify the District Area Maintenance Office, within whose boundaries the crossing takes place, at least 24 hours in advance of the proposed move.~~

#### (2) Building Movement Restrictions.

(a) Movement is prohibited under the following conditions:

1. During periods of heavy traffic, normally “rush hour” traffic, between 7:00 a.m. and 9:00 a.m. and between 4:00 p.m. and 6:00 p.m., Monday through Friday.

2. During weekends and nighttime, unless approved by the appropriate law enforcement agencies, local government, and the Department. Nighttime means that period of time which begins one hour before sunset and ends one hour after sunrise.

(b) Building movement is prohibited on any portion of limited access facilities. Building movement is permitted on roads passing over or under limited access facilities.

(c) Building movements are subject to additional restrictions, for reasons of public health, safety, and welfare.

(3) Fees. Payment of the permit fee shall be required at the time of the building movement permit application. An application submitted without payment of the permit fee will be deemed incomplete and returned to the applicant. The following fee charges apply to all permits:

(a) A fee of \$25.00 will be charged for issuance of each single move permit.

(b) A fee of \$50.00 will be charged for issuance of each special permit.

(c) Fees will not be charged for factory-built school buildings and other public buildings when moved by a governmental entity or its contracted mover.

(4) Security Instrument. A permittee moving a building in excess of 14 feet wide shall be required to provide a security instrument in the amount of \$10,000.00 to cover repair damage to state facilities resulting from the move. The security instrument may be a letter of credit or bond as described in Section 334.187, F.S., and must be submitted to the affected District Maintenance Office. All bonds shall be made payable to the Department and shall be submitted to the Department prior to approval of the permit.

(5) Liability and Insurance. The permittee is required to name the Department as an additional insured and submit a certificate of insurance, with the permit application, in the amount of not less than \$100,000 bodily injury or death per person for any number of persons in any one occurrence, \$300,000 for property damage or a combined coverage of not less than \$300,000. The certificate of insurance shall be submitted to and kept on file in the appropriate District Maintenance Office(s).

(6) Traffic Control. All building movements must be accompanied by escort vehicles in the front and rear. The escort vehicles must comply with the requirements specified in Rule 14-26.012, F.A.C.

(a) The building movement must pull over to the side at turnouts or median crossovers to allow traffic to pass as directed by law enforcement to facilitate public safety.

(b) During building movement, a minimum of three adult personnel (including the driver and escort personnel) shall be in attendance at all times.

(c) Clean, high visibility, red/orange warning flags at least 18 inches square shall be displayed on the corners and at all protrusions of the building movement at all times.

(d) Enroute, during any delays, breakdowns, accidents, or other times when the building is immobile, the building shall be identified with warning lights as described above. A minimum of one light for each 15 feet of perimeter is required.

(7) Application Procedure and Notice. Applicants shall obtain a Permit to Move Building Over State Roads, Form 850-040-90, Rev. 06/07, incorporated herein by reference, from any District Maintenance Office or area maintenance office. If the proposed route occurs in more than one district, then the applicant will need to mail or hand deliver a completed form to each affected District Maintenance Office. Applicants shall complete all appropriate sections of the form and obtain review and approval by the nearest Florida Highway Patrol Office with route and escort recommendations.

(a) Applicants shall contact all utilities (e.g., traffic signals, electric power lines, sewer, gas, communication lines, cable television), railroad companies, and all local governments whose facilities will be affected by the move, and address any concerns. In addition, it is the responsibility of the permittee to notify these utilities at least 24 hours in advance of the proposed move. The permittee shall notify the railroad companies at least 24 hours in advance of any move over at-grade rail crossings.

(b) The Application will be reviewed for completeness, accuracy, and compliance with these rules prior to approval.

(c) All Applications for special permits and routes crossing bridges will be reviewed by the Departmental District Structures and Facilities Engineer prior to approval.

(d) Requests for time extension must be made by the permittee through the issuing office. The request must be made not less than 48 hours prior to the expiration date of the original permit. Not more than three time extensions will be granted for each permit.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History—New 9-1-71, Formerly 14-63.02, Amended 1-3-90, 7-1-92, \_\_\_\_\_.

14-63.0021 Single Move Permits.

~~The Department will review~~ Each Application will be reviewed regarding the proposed route, as indicated on a map provided by the applicant, and the building moving arrangements. The following factors shall be considered ~~when reviewing the application:~~

(1) Bridge or roadway structure widths, clearances, condition of roadway and bridges and their load carrying capacity.

(2) The ~~applicant's~~ load plan, including spacing and size of beams, and spacing and size of wheels and tires ~~will be considered~~. The load, in pounds, must be shown on each set of wheels in the load plan. Load plan means a sketch or drawing showing details and dimensions of the building to be moved,

including the means of movement. Overall dimensions and weight distribution must be included in the plan. ~~A load plan is required if any of the following conditions are exceeded:~~

~~(a) The weight shall not exceed on any four tire axle exceeds 22,000 pounds or 605 pounds per inch of tire tread width on two tires.~~

~~(b) Maximum overall building width shall not exceed 30 feet, six inches, excluding the building movement unit, eaves, and beams.~~

~~(c) Maximum overall building length shall not exceed 65 feet, excluding the building movement unit, eaves, and beams.~~

~~(d) When loaded, buildings shall be no more than 25 feet in height, as measured from ground level to the highest point of the load.~~

~~(e) Dimensions in excess of (b), (c), or (d) above shall require special permits.~~

~~(b) The gross weight of tractor-trailer, hauling unit and house exceeds:~~

- ~~1. \*122,000 pounds on seven axles;~~
- ~~2. \*132,000 pounds on eight axles;~~
- ~~3. \*142,000 pounds on nine axles;~~
- ~~4. \*172,000 pounds on ten axles;~~

~~5. \*192,000 pounds on thirteen axles with 38 feet minimum longitudinal distance required from center of fifth axle to center of sixth axle.~~

~~\*A minimum of 51 feet longitudinal distance is required from center of the steering axle on the tractor to center of the external rear axle on the hauling unit. Axles that are located across the bridge deck transverse to the longitude line will be considered as separate groupings. Maximum weight per axle is 22,000 pounds. Maximum weight per three axle group is 60,000 pounds. Maximum weight per four axle group is 66,000 pounds.~~

~~(3) Sufficiency of Adequate~~ shoulder widths and conditions to handle the route traffic.

(4) Sufficiency of parking areas to allow accumulated traffic to pass.

(5) The potential disruption to traffic and traffic conditions during the time of the move.

(6) The history of other moves on the route.

~~(7) Safety considerations.~~

~~(7)(8) Any Other~~ factors relevant to public safety or the protection of public transportation facilities related to the specific request.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History—New 1-3-90, Amended 7-1-92, \_\_\_\_\_.

14-63.003 Single Move Permit Size Limitations.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History—New 9-1-71, Formerly 14-63.03, Amended 1-3-90, 7-1-92, ~~Repealed~~ \_\_\_\_\_.

14-63.004 Movement Restrictions for All Permits.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.04, Amended 1-3-90, 7-1-92, Repealed.

14-63.005 Special Permits.

(1) Special permits are required ~~used~~ for buildings movements exceeding the dimension requirements of single move permits ~~Rule 14-63.003~~. Special permits will be granted on a case-by-case basis by the Department.

(2) The following criteria will be used in evaluating a request for a special permit:

(a) Applicants will furnish written explanation as to why the building move cannot conform to the criteria for a single move permit.

(b) Applicants will state what specific steps have been taken to comply with the size limitations.

(c) The route of the building movement will accommodate the move without risk of damage or compromise of safety.

(d) ~~Applicants will furnish a~~ load plan showing all axle spacing, wheels, dimensions, and weights ~~shall be furnished when the requirements of Rule Section 14-63.0021(2) are exceeded~~.

(e) ~~Applicants will furnish d~~Documentation ~~shall be required~~ showing concurrence with the move by the affected local government counties, municipalities, and utilities.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.05, Amended 1-3-90, 7-1-92, \_\_\_\_\_.

14-63.0051 Annual Permits for Factory-Built School Portable Classroom Buildings.

(1) Annual ~~P~~ermits may be issued at any time for the transport of a factory-built school portable classroom buildings as defined in Section 553.415, F.S., meeting the size limitations of a single building move permit ~~14-63.003(1), (2), and (3)~~, owned by a ~~c~~County ~~s~~School ~~b~~Board when a building movement is made from a construction site to a school site or from one school site ~~to another with school board equipment and forces or by a housemover subcontracted~~ by a county school board or its contracted mover.

(2) Annual Permit holders must notify all affected aArea ~~m~~Maintenance ~~o~~Offices of the origin, route, and destination of movement not less than 24 hours in advance of each move. The Department must approve the date and time of the building movement or the move ~~it~~ must be rescheduled.

Specific Authority 316.550, ~~334.044(2)~~ FS. Law Implemented 316.550 FS. History–New 1-3-90, Amended 7-1-92, \_\_\_\_\_.

14-63.006 Fees.

Specific Authority ~~334.044(2)~~, 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.06, Amended 1-3-90, 7-1-92, Repealed.

14-63.007 Bond Requirements.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550, 316.560 FS. History–New 9-1-71, Formerly 14-63.07, Amended 1-3-90, 7-1-92, Repealed.

14-63.008 Traffic Control.

Specific Authority 334.044(2), 316.550 FS. Law Implemented 316.550 FS. History–New 9-1-71, Formerly 14-63.08, Amended 1-3-90, 7-1-92, Repealed.

14-63.0091 Application Procedure and Notice to Others.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550 FS. History–New 1-3-90, Amended 7-1-92, 7-19-94, Repealed.

14-63.0101 Liability and Insurance.

Specific Authority 316.550, 334.044(2) FS. Law Implemented 316.550, 316.560 FS. History–New 1-3-90, Amended 7-1-92, Repealed.

14-63.011 Non-Compliance.

(1) Suspension, revocation, or denial of permit. ~~The Department District Secretary, or designee~~, for good cause, will deny, revoke, or suspend any permit for a specified period of time up to 12 months. Good cause includes, ~~but is not limited to:~~

(a) Failure by the permittee or its his agents to comply with the requirements regulations of this rule chapter or the requirements of Chapter 316, F.S.

(b) A determination ~~by the Department~~ that the permittee has submitted a misleading permit application or information.

(c) Failure by the permittee or its his agents to comply with the terms of the permit.

(d) Travel by the permittee on other than approved routes.

(e) Instances in which the permittee or its agent has previously undertaken a move without obtaining the necessary permit.

(f) Other reasons of health, safety, or welfare.

(2) Penalties.

(a) In addition to a suspension, revocation, or denial of a current permit for cause as set forth in subsection (1), in any 12 month period, the Department, for good cause, as defined in subsection (1), will deny issuance of future permits for periods of time as follows:

<u>VIOLATION OF PRIOR PERMIT</u>	<u>PERMIT DENIAL PERIOD</u>
<u>First</u>	<u>30 Days</u>
<u>Second</u>	<u>180 Days</u>
<u>Third</u>	<u>12 Months</u>

VIOLATION OF PRIOR PERMIT	PERMIT DENIAL PERIOD
First	30 Days
Second	180 Days
Third	12 Months

However, the Department ~~will~~ may not refuse to issue a permit because of an alleged violation(s) until a final order is entered or the permittee does not request an administrative hearing the Department's action has become final pursuant to subsection (3).

(b) Any person who fails to obtain a permit or violates the provisions of a permit issued under this rule chapter shall pay a penalty. ~~All penalties collected under this rule chapter shall be~~

TYPE OF VIOLATION	PENALTY
<del>Operating without a permit.</del>	<del>Ten times the cost of the permit not to exceed \$500</del>
<del>Violating the terms or conditions of a current permit.</del>	<del>\$250 per violation, up to a maximum of \$1,000</del>
<del>Modifying the terms or conditions of a current permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.</del>

TYPE OF VIOLATION	PENALTY
<del>1. Operating without a permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.00.</del>
<del>2. Violating the terms or conditions of a current permit.</del>	<del>\$250.00.</del>
<del>3. Modifying the terms or conditions of a current permit.</del>	<del>Ten times the cost of the permit not to exceed \$500.00.</del>

~~(3) Notice of the Department's intended action will be provided in accordance with Rule 28-106.111, F.A.C. The Department's action will become final unless a timely petition for a hearing is filed in accordance with Rules 28-106.104, 28-106.201, and 28-106.301, F.A.C. In order to be timely, the petition must be filed with the Department's Clerk of Agency Proceedings within 21 days after receipt of the Department's notice, in accordance with Rule 28-106.111, F.A.C.~~

Specific Authority ~~316.550, 334.044(2)~~ FS. Law Implemented ~~120.569, 120.57, 120.60, 316.550~~ FS. History—New 9-1-71, Formerly 14-63.11, Amended 1-3-90, 7-1-92, 6-24-99, \_\_\_\_\_.

**DEPARTMENT OF TRANSPORTATION**

RULE NOS.:	RULE TITLES:
14-88.001	Purpose
14-88.002	Definitions
14-88.003	Toll Facilities Revolving Trust Fund Application Requirements
14-88.0041	Submission and Award
14-88.005	Administration of Trust Funds and Applicant Projects

PURPOSE AND EFFECT: Four of the five existing rules are being repealed and the one remaining rule is being amended. Repeal of these rules is part of the Department's overall goal to review existing rules and to repeal any rules that are considered to be obsolete or unnecessary. The remaining rule is simplified. SUBJECT AREA TO BE ADDRESSED: The rule chapter is being simplified by repealing four of the five existing rules.

credited to the State Transportation Fund. Under the provisions of Rule Chapter 14A-1, F.A.C., any person aggrieved by the imposition of a civil penalty pursuant to this rule chapter may appeal to the Commercial Motor Vehicle Review Board. The Commercial Motor Vehicle Review Board may modify, cancel, revoke, or sustain such penalty.

(e) Penalties shall be imposed on overdimensional loads or vehicles building movements as follows:

SPECIFIC AUTHORITY: 338.251 FS.  
 LAW IMPLEMENTED: 334.30, 343.82, 348.0004, 338.251 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

14-88.001 Purpose.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History—New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

14-88.002 Definitions.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History—New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

14-88.003 Toll Facilities Revolving Trust Fund Application Requirements of Applicant Applications.

(1) A county, a municipality, an expressway or a bridge authority pursuant to Chapter 348, F.S., a private entity pursuant to Section 334.30(7), F.S., and the Turnpike Enterprise, may apply for loans from the Toll Facilities Revolving Trust Fund for a revenue producing road project such as a toll road, bridge facility, or related toll facility work. Section 338.251(2), Florida Statutes, requires that needed material and information shall be "documented to the Department of Transportation" before trust fund monies can be

advanced/awarded to implement an applicant project. When required documentation is provided in an application, the Department will consider the application for an award of trust fund monies. However, this does not obligate the Department of Transportation to advance/award trust funds to any local governmental entity.

(2) A complete An applicant application shall include the following information:

(a) Entity Applicant name, mailing address, and street address.

(b) Contact person, title, phone number, and e-mail address.

(c)(b) Project Application title and type(s) of activity(ies) proposed as defined in this Rule Chapter.

(d)(e) As Statement of needs(s) that shall includes a clear presentation and of documentation of the conditions and problems that exist, and which the proposed applicant project activities will help to resolve. This information that should demonstrates how that requested applicant project activities will help resolve the directly affect documented problems.

(e)(d) Project objective(s) that specifies the detailed results required for the type(s) of activity(ies), defined in Rule 14-88.001, F.A.C. A clear, concise and complete enumeration of expected results/products to be delivered by the applicant project is required.

(f)(e) A Detailed project budget and commitment schedule composed of a two year budget proposal that contains detailed lists (by fiscal quarter) of proposed trust funded activity and sub-activity expenditures that are consistent with the project schedule. For allowable activities, Contingency costs may be allowable but shall be itemized and presented for consideration must be itemized.

(g)(f) A Detailed project schedule consistent with the project objective(s) and budget. The project schedule is a procedural plan, a detailed program of actions, that specifies what will be done by whom, when, and where for each activity requested (by fiscal quarter) for the life of the project.

(h)(g) A Certification letter from the applicable Metropolitan Planning Organization's (MPO) chairperson stating MPO supporting for the candidate project, and indicating that the a candidate project is consistent ("compatible with" and "furthers" as defined in this Rule Chapter) with its the adopted MPO comprehensive transportation plan.

(i)(h) Documentation indicating how the candidate project is consistent (as defined in this Rule Chapter) with the adopted Florida Transportation Plan (FTP).

(2)(i) Applications for engineering design activities below the 60% completion stage, final environmental impact studies/actions, financial advisory services, or advanced right of way activities (excluding purchase) shall also include provide the information specified in paragraphs 14-88.003(2)(a) through (h), F.A.C. and the following:

(a)1- Final preliminary engineering studies and reports as defined by this Rule Chapter or a status report on the studies progress.

(b)2- Final traffic and revenue study providing projected traffic levels and needed toll revenues studies as defined by this Rule Chapter or a status report on the study's studies progress by traffic and revenue forecasting consultants who have at least five years of professional experience analyzing revenue producing projects that leads to successful issue of bonds.

(c)3- An approved "environmental class of action determination" as specified in the FDOT "Project Development and Environment Manual: Part I or dDocumentation (specified in the manual) shall be required that indicates the "class of action determination" process has been followed and is complete.

(d)4- A multi-year dDevelopment schedule listing of all source and use of funds for all project phases with projected costs for each phase by fiscal year, listing separately for the applicant and candidate projects. This should include all fund contributions in cash or in kind for projected project costs. The schedule shall depict the financing sources, projected fund amounts in each for all project phases (each listed separately) and the projected dates (fiscal year) the expenditures will would be made. Pledges and donations of land shall be included and shown as in kind contributions, and pledges of local funds to pay for debt service shall be clearly specified.

(e)5- A schedule of all (100%) engineering design activities with the estimated time frames for each activity to be accomplished.

(3)(f) Applicant Applications for final engineering design activities beyond the 60% completion stage of all engineering design plans shall also include provide the information required in paragraphs 14-88.003(2)(a) through (i), F.A.C., and the following:

(a)1- A schedule of remaining engineering design activities with the estimated time frames for each to be accomplished.

(b)2- A An acceptable plan to the Department to finance total candidate project costs to include the reimbursement of outstanding Trust Fund advances, and a current and complete source and use of funds schedule.

(c)3- Documentation that the project is financially feasible in that "pledged revenues will support debt service."

(d)4- "Letters of intent" from applicable county(ies) or municipality(ies) where the candidate project will would be constructed expressing the extent to which they are willing to pledge financial support for the candidate project and the source of the financial backing.

(4)(k) Applications for the purchase of advance right of way property shall also provide the following:

(a)1- Documentation that required right of way map(s) as defined in this Rule Chapter have been completed;

(b)2- An approved final environmental impact document, or documentation from the appropriate Florida Department of Transportation District Environmental Office indicating that “all” required actions required in the FDOT “Project Development and Environment Manual” have been taken and are complete;

(c)3- Substantive documentation from an appraiser ~~who is~~ qualified to perform appraisals for the Department FDOT (as provided in Rule 14-95.003, F.A.C.) that the value of the property will shall substantially appreciate prior to construction of the candidate project and that savings will likely shall result from the advance purchase of the property. The term “substantive” is intended to elicit information from qualified appraisers that will explain and support reasons for judging that a property will appreciate and savings will result. Statements without supporting information shall not be acceptable. Acceptance of the documentation by the appropriate District Office of Right of Way shall be required for acceptance;

(d)4- Negotiated contract(s) for the purchase of the right of way shall that includes the stipulation “the contract is subject to funding by the Department of Transportation or Legislature of Florida.”, ~~or~~ Property appraisals of the right of way (as defined in paragraph 14-95.002(2)(b), F.A.C.) shall be performed by an appraiser who is qualified to perform appraisals for the Department FDOT (as provided in Rule 14-95.003, F.A.C.). Acceptance by the appropriate District Office of Right of Way shall be required for ~~acceptance of the~~ negotiated contract(s) and or of the property appraisals;

(5)3- ~~To be considered for funding under the provisions of this Rule Chapter,~~ Applications must be submitted to:

Office of Financial Development Secretary of Transportation

Florida Department of Transportation  
605 Suwannee Street, MS 7  
Tallahassee, Florida 32399-0450

~~Attention: Office of Management and Budget~~

Applications may be submitted at any time during a fiscal year. However, applications shall be submitted at least 90 days prior to the end of the fiscal year to be considered from available fiscal year funds.

(6) A written agreement must be executed by the Department and the borrower when fund advances are awarded. The agreement shall contain uniform standard conditions and special conditions that include programmatic or financial requirements which must be satisfied by a borrower before an advance of funds can be executed. Standard conditions shall also contain the following:

- (a) Trust fund dollar amounts to be advanced;
- (b) Procedures for transfer of funds to the borrower;
- (c) Consultant selection and management requirements;
- (d) Fund expenditure and restriction requirements;

(e) Programmatic and financial reporting and audit requirements;

(f) Fund repayment requirements; and

(g) Draw-down amounts based on projected financial needs specified in approved project budget.

(7) At the time of initial bond issuance the borrower shall provide written notice to the Office of Financial Development whether the borrower elects to repay advances from initial bond proceeds or on the basis of repayment schedules. When a repayment schedule option is selected a schedule, in the form of a resolution from the borrower, shall accompany the notification. When repayment is to be made of the initial bond issue proceeds, provision shall be made for such repayment in the bond resolution and shall be repayable in full upon sale of the bonds. When bonds are not issued, repayment shall remain a requirement. In such cases, a repayment schedule in the form of a resolution from the borrower shall be furnished to the Department no later than 90 days prior to the end of the sixth year from the date of the agreement.

(8) District Secretaries of applicable districts shall actively participate in the approval of scope of work proposals and products by consultants.

(9) The borrower shall be authorized to obligate and expend trust funds and interest earnings on the basis of approved project budgets but are not authorized to use funds for administrative, audit, legal, and contingency costs, or for those items prohibited by Rule 69I-40.103, F.A.C., except that legal costs may be advanced or the right of way acquisition process. No authority is granted to obligate or expend funds, or initiate or conduct activities, that would result in the obligation of trust funds for items or activities that have not been authorized in approved project budgets, schedules or objectives. Any unauthorized expenditure of funds plus interest shall be immediately paid to the Department in accordance with a schedule approved by the Department. Amended project budgets, schedules and objectives can be requested by the borrower at any time after the execution of an agreement but approval shall be limited to achieving the objectives and activities first approved in the affected agreements.

(10) The borrower shall structure and manage consultant contracts in phases to provide for the termination and payment for work to date if a project is determined non-feasible.

(11) Upon termination of projects, unspent trust fund advances including interest earned shall be immediately remitted to the Department by the borrower. The returned proceeds shall be counted toward the repayment of the loan.

(12) The borrower shall immediately remit to the Office of Financial Development all remaining trust funds and interest earned upon completion of work approved in the agreement.

(13) Any funds including interest not committed after one year from the date of an award shall be remitted to the Office of Financial Development. A balance of proceeds can be retained sufficient to liquidate executed contracts financed by funds approved in the agreement.

(14) If a project is determined to be financially non-feasible by the Department or a borrower, further obligation of awarded project funds shall be terminated by the borrower until it is documented to and approved by the Department that it is in the best interest of the Department and the State of Florida to continue with the project.

(15) The Department is the trustee of the fund. As such, it is responsible for and shall safeguard advances from improper use or fiscal irresponsibility, and enforce the repayment of advances with interests using all legal means appropriate. In this regard, the following shall be implemented.

(a) The borrower shall provide to the Office of Financial Development progress reports on program and financial activities that occur each quarter following the execution of the agreement. Examples of program information include: program accomplishments (specific actions taken to implement approved objectives/activities and percent of accomplishments for each -0 to 100%-), problems delaying implementation, and revised project schedules if activities are not conforming to approved project schedules. Examples of financial information include: beginning fund balances, list and purpose of expenditures for each approved activity, ending fund balances for each approved activity, interest earned to date, the interest percentage rate being earned, and the amount and percent of funds being contributed to the applicant project from other sources.

(b) Program records and financial records of projects shall be maintained by the borrower separate and apart from other projects and non-project records and accounts to prevent commingling and assure a clear audit trail of all activities.

Specific Authority ~~20.23, 334.044(2), 338.251(11)~~ FS. Law Implemented ~~334.30, 343.82, 348.0004, 338.251~~ FS. History–New 1-8-86, Amended 9-22-92, \_\_\_\_\_.

14-88.0041 Submission and Award.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 9-22-92, Repealed \_\_\_\_\_.

14-88.005 Administration of Trust Funds and Applicant Projects.

Specific Authority 20.23, 334.044(2), 338.251(11) FS. Law Implemented 338.251 FS. History–New 1-8-86, Amended 9-22-92, Repealed \_\_\_\_\_.

**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.”

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: RULE TITLE:

19B-4.001 Application

PURPOSE AND EFFECT: To amend the New Enrollment Application and the Master Covenant with updated form numbers and effective dates.

SUBJECT AREA TO BE ADDRESSED: The Florida Prepaid College Plan New Enrollment Application and Master Covenant.

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

LAW IMPLEMENTED: 1009.98 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: September 10, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, telephone (850)488-8514

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

19B-4.001 Application.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 20076-10, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1). The Florida Prepaid College Plan Program Master Covenant, Form No. FPCB 20076-02, is hereby incorporated by reference and may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.98 FS. History–New 3-29-89, Amended 2-6-90, 3-19-92, Formerly 4G-4.001, Amended 12-5-93, 5-31-95, 6-20-96, 10-20-96, 12-16-97, 2-18-99, 6-6-99, 2-8-00, 5-21-00, 1-3-01, 10-9-01, 11-27-02, 10-1-03, 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, \_\_\_\_\_.

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid College Board**

RULE NO.: 19B-16.002  
RULE TITLE: Application for Participation in the Program

PURPOSE AND EFFECT: To update the New Account Application effective date and form number.

SUBJECT AREA TO BE ADDRESSED: The Florida College Savings Program application for participation.

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

LAW IMPLEMENTED: 1009.981 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: September 10, 2007, 2:00 p.m.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas J. Wallace, Executive Director, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida, 32308, telephone (850)488-8514

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

19B-16.002 Application for Participation in the Program.

(1) No change.

(2) The Florida Prepaid College Plan and Florida College Investment Plan New Account Application, Form No. FPCB 20076-10, is hereby incorporated by reference. The form may be obtained from the Board by calling (800)552-GRAD (4723) (prompt 1).

(3) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981 FS. History--New 11-27-02, Amended 1-29-04, 12-28-04, 6-2-05, 12-20-05, 1-1-07, \_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-210.102  
RULE TITLE: Legal Documents and Legal Mail

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to implement Section 948.6038, Florida Statutes, which requires the Department of Corrections to charge inmates and place liens on inmate accounts for the cost of postage for mail to courts, attorneys, parties to a lawsuit, and other persons required to be served.

SUBJECT AREA TO BE ADDRESSED: Postage for legal mail.

SPECIFIC AUTHORITY: 20.315, 944.09, 944.11, 945.6038 FS.

LAW IMPLEMENTED: 944.09, 944.11, 945.6038 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: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

**THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:**

33-210.102 Legal Documents and Legal Mail.

(1) through (9) No change.

(10)(a) The institution shall furnish postage for mail to courts and attorneys and for pleadings to be served upon each of the parties to a lawsuit for those inmates who have insufficient funds to cover the cost of mailing the documents at the time the mail is submitted to the mailroom, but not to exceed payment for the original and two copies except when additional copies are legally required. The inmate shall be responsible for proving that copies in addition to the routine maximum are legally necessary.

(b) At the time that postage is provided to an inmate for this purpose, the Bureau of Finance and Accounting, Inmate Trust Fund Section, shall place a hold on the inmate's account for the cost of the postage. The cost of providing the postage shall be collected from any existing balance in the inmate's trust fund account. If the account balance is insufficient to cover the cost, the account shall be reduced to zero. If costs remain unpaid, a hold will be placed on the inmate's account, subject to priorities of other liens, and all subsequent deposits to the account will be applied against the unpaid costs until the debt has been paid.

(11) through (16) No change.

Specific Authority 20.315, 944.09, 944.11, 945.6038 FS. Law Implemented 944.09, 944.11, 945.6038 FS. History--New 10-8-76, Amended 4-19-79, 7-2-81, 6-8-82, 9-23-85, Formerly 33-3.05, Amended 10-7-86, 8-20-89, 4-4-91, 9-1-93, 4-28-96, 2-12-97, 5-25-97, 10-7-97, 12-7-97, 2-15-98, Formerly 33-3.005, Amended 12-20-99, Formerly 33-602.402, Amended 5-5-02, 12-4-02, 5-11-03, 8-25-03, 9-20-04, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NOS.: 40B-8.021, 40B-8.061  
RULE TITLES: Definitions, Minimum Surfacewater Levels and Flows for the Upper Santa Fe River

PURPOSE AND EFFECT: The purpose of the rule development is to codify minimum flows and levels for the Upper Santa Fe River within Chapter 40B-8, F.A.C. The effect



of the rule will be to provide protection for these areas from significant harm resulting from uses of ground and surface water.

**SUBJECT AREA TO BE ADDRESSED:** This proposed rule development will establish minimum flows and levels for the Upper Santa Fe River, in accordance with Rule 62-40.473, F.A.C., and Sections 373.042 and 373.0421, F.S.

**SPECIFIC AUTHORITY:** 373.044, 373.113 FS.

**LAW IMPLEMENTED:** 373.042, 373.0421, 373.103 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:** Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

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

**LAND AND WATER ADJUDICATORY COMMISSION**

**Braddock Community Development District**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
42HHH-1.001	Establishment
42HHH-1.002	Boundary
42HHH-1.003	Supervisors

**PURPOSE AND EFFECT:** The petition, as revised, filed by Crosswinds-Florida, LLC, requests the Commission establish a community development district located entirely within the City of Jacksonville, Florida. The land area proposed to be served by the District comprises approximately 2,346 acres. A general location map is contained as Exhibit 1 to the petition, as revised, to establish the District. The proposed land area is generally located east and northeast of U.S. Highway 1, southeast of Thomas Creek and Lannie Road, west of the Jacksonville International Airport, and north of Dunn Avenue and I-295. There is one out-parcel located within the external boundaries of the proposed District to be excluded from the District. The out-parcel consists of 30 parcels and a list of the current owners' names and addresses is contained in Exhibit 4 to the petition, as revised. The Petitioner has obtained written consent to establish the District from the owners of 100% of the real property located within the proposed District. The proposed development within the District may include single family units, multi-family units, commercial use, office use, community activities use and other uses. The District plans to finance certain master infrastructure improvements within the District boundaries. These improvements include complete construction of the master infrastructure including roadways,

recreational facilities, linear park, wetland mitigation, and neighborhood infrastructure (paving, drainage, lighting and conduit).

**SUBJECT AREA TO BE ADDRESSED:** Establishment of the Braddock Community Development District.

**SPECIFIC AUTHORITY:** 190.005 FS.

**LAW IMPLEMENTED:** 190.004, 190.005 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:** Thursday, September 13, 2007, 10:00 a.m.

**PLACE:** Room 2107, The Capitol, Tallahassee, Florida

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Chasity H. O'Steen, Rose, Sundstrom & Bentley, LLP, 2548 Blairstone Pines Drive, Tallahassee, Florida 32301, Telephone (850)877-6555; or Barbara Leighty, Florida Land and Water Adjudicatory Commission, Office of Policy and Budget, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, Telephone (850)487-1884

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

**DEPARTMENT OF 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."

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

<b>RULE NO.:</b>	<b>RULE TITLE:</b>
69O-204.101	Disclosures to Viator of Disbursement

**PURPOSE AND EFFECT:** To establish disclosures to viators of reconciliation of funds.

**SUBJECT AREA TO BE ADDRESSED:** Disclosures.

**SPECIFIC AUTHORITY:** 626.9925 FS.

**LAW IMPLEMENTED:** 626.9925 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 : September 11, 2007, 9:00 a.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: Bernie Stoffel, Bureau of Specialty Insurers, Office of Insurance Regulation, E-mail Bernie.stoffel@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: Bernie Stoffel, Bureau of Specialty Insurers, Office of Insurance Regulation, E-mail Bernie.stoffel@fldfs.com

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

## Section II Proposed Rules

### DEPARTMENT OF STATE

#### Division of Elections

RULE NOS.:	RULE TITLES:
1S-2.0011	Constitutional Amendment Ballot Position
1S-2.009	Constitutional Amendment by Initiative Petition
1S-2.0091	Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification
1S-2.0095	Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification

**PURPOSE AND EFFECT:** The purpose of the proposed rules amendments is to implement the amendments to Section 100.371, Florida Statutes, as amended in section 25 of Chapter 2007-30, Laws of Florida, which pertain to the process for citizen constitutional initiative petitions and for revocation of signatures on constitutional initiative petitions.

**SUMMARY:** The proposed rules provide the requirements for constitutional initiative petitions, revocation petitions and for obtaining ballot position for proposed constitutional amendments. The proposed rules also provide, among other

items, the requirements for valid signature verification, imposition of a 30-day timeframe for signature verification, creation of the initiative petition revocation process, and the incorporation of an amended initiative petition form and a newly created petition revocation form.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 20.10(3), 97.012(1), 100.371, 101.161 FS.

**LAW IMPLEMENTED:** Art. XI, Fla. Cont., 100.371, 101.161 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, September 17, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 200 S. Bronough 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: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. 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: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6536. Copies of the proposed rule are also available by contacting the Office of General Counsel at (850)245-6536, or online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State's E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULES IS:

1S-2.0011 Constitutional Amendment Ballot Position.

(1) The Director of the Division of Elections shall assign in the following manner a designating number to any proposed revision or amendment to the State Constitution for placement on the general election ballot:

(a) The ballot position of each proposed revision or amendment shall correspond to the designating number assigned by the director. A designating number may not be assigned to a constitutional amendment by initiative until the Secretary of State has issued a certificate of ballot position in accordance with Section 100.371, F.S.

(b) All revisions submitted by a revision commission or constitutional convention shall be considered to be one set, but each individual revision received shall be assigned a designating number in the manner and order determined by the convention or commission. Revisions shall be titled and designated as such together with the assigned designating number. For example, the set of revisions would begin with No. 1, Constitutional Revision.

(c) Amendments submitted by the Florida Legislature or proposed by initiative shall be titled and designated as an amendment with the assigned designating number. For example, the amendment designation would be No. 2, Constitutional Amendment.

(d)1. Revision proposals and proposed amendments shall be assigned designating numbers in consecutive ascending numerical sequence in the order of:

a. Receipt by the Secretary of State, or his or her designee, of the constitutional convention or commission revision proposal,

b. The filing of the legislative resolution containing the proposed amendment with the Division of State Library, Archives & Records Services, or

c. The Secretary of State's certification of ballot position of a constitutional amendment proposed by initiative.

2. Initiative amendments deemed filed on the same date as other revision proposals or proposed amendments shall be assigned the number received in a random drawing of lots containing the remaining available designating numbers.

(2) Designating numbers shall be assigned and publicly announced promptly after no later than 5:00 p.m. on February 1 of the 90th day preceding the general election date.

(3) In the event a proposed revision or amendment is removed or stricken from the ballot subsequent to its attaining ballot position and being assigned a designating number, all other proposals shall retain the number assigned. The designating number of the stricken proposal shall not be reused, unless that proposal is reinstated.

Specific Authority 20.10(3), 97.012(1), 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History—New 8-9-78, Amended 4-17-79, Formerly 1C-7.011, 1C-7.0011, Amended 3-16-06,\_\_\_\_\_.

#### 1S-2.009 Constitutional Amendment by Initiative Petition.

(1) Submission of Initiative Petition. Any proposed initiative amendment to the State Constitution to be placed on the ballot shall be submitted by the sponsoring political committee to the Division of Elections for approval as to

format prior to circulation of the proposed initiative amendment. Such submission shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No initiative petition form for signatures may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Initiative Petition Form. The Division shall review the initiative petition form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The Division shall not review the petition form for legal sufficiency. The format of the petition form is deemed sufficient only if the petition form:

~~(a)~~ Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

~~(b)~~ Is clearly and conspicuously entitled at the top of the form "Constitutional Amendment Petition Form."

~~(c)~~ Includes adequate space for the voter's signer's name, ~~legal~~ residential street address, city, county, voter registration number, date of birth, signature, and date of signature.

~~(d)~~ Contains the ballot title that shall not exceed 15 words and the ballot summary of the proposed amendment or other public measure that shall not exceed 75 words in length as prescribed in subsection (4).

~~(e)~~ Conspicuously contains in the following order:

1. The ballot title;

2. The ballot summary;

3. The article and section being created or amended; and

4. The full text of the amendment being proposed including the article and section being created or amended, preceded by a ballot title and ballot summary. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

~~(f)~~ Contains space for only one voter's elector's signature to be located below the full text of the amendment being proposed. The Division will not approve petition forms providing for multiple signatures per page.

~~(g)~~ Is marked, in accordance with Section 106.143, F.S., governing political disclaimers, with "paid political advertisement" or contains the abbreviation "pd. pol. adv." and identifies the name of the sponsoring political committee, and the name of the entity paying for the advertisement if different from the name of the sponsoring political committee.

~~(h)~~ Contains space, in accordance with s. 106.19(3), F.S., for the name and address of a paid petition circulator, in the event the petition form is gathered by a paid petition circulator.

(3) Sample Petition Form. The format of an initiative petition submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19 (eff. \_\_\_\_\_ ~~3-16-06~~), entitled "Constitutional Amendment Petition Form." Form DS-DE 19 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South

Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500, or by download from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us>.

(4) Word Count. The following provisions apply to determine the word count for a ballot title and summary:

(a) Hyphenated compound words count as two or more words.

(b) An ampersand or a plus or minus sign shall count as one word.

(c) Punctuation such as commas, periods, hyphens, question marks, parentheses, quotation marks or exclamation points does not affect the word count.

(d) Each word joined by a forward or back slash to another word counts separately as a word.

(e) Each part of a date counts as one word. Example: January 1, 2025 shall count as three words.

(f) Each word in a name is individually counted. Example: George Washington shall count as two words.

(g) Each whole number shall count as a word.

(h) Spaces do not affect the word count.

(5) Additional Information or Materials. Other than providing information or a method by which the petition form may be returned by mail to the sponsoring committee, no additional information or materials that support the proposed amendment shall be printed directly on the form.

(6) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition form. The serial number shall begin with the last two digits of the calendar year in which the petition form is approved followed by a number in numerical sequence. For example, the first petition form approved in 2006 is assigned the serial number 06-1. The serial number assigned must be printed in the lower right hand corner of the petition form.

(7) Changes. Any change to a previously approved petition form shall be submitted to the Division of Elections for review. No person or entity other than the sponsoring political committee of the previously approved petition form can submit a change or changes to the previously approved petition form. The Division of Elections must approve any material change to a previously approved petition form. A material change constitutes a change in the wording of the text of the proposed amendment, the ballot title, or ballot summary, or a change in punctuation or layout, or a change in the name of the sponsoring political committee to the political disclaimer. A translation into another language does not constitute a material change to an initiative petition form. Any material change submitted for approval to a previously approved initiative petition constitutes a request for approval of a new petition form and shall be assigned a different serial number upon approval by the Division of Elections.

(8) Bundling. No initiative petition form circulated for signature may be bundled with or attached to any other petition form.

(9) Reproduction. Petition forms may be reproduced in newspapers, magazines, and other forms of printed mass media or made available through the internet for download printing, provided such forms are reproduced in the same format as approved by the Division. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(10) Submission of Signed Petition Forms. All signed petition forms shall be returned to the sponsoring political committee. Only the sponsoring political committee shall submit the signed petition forms to the Supervisors of Elections for verification of signatures in accordance with Rule 1S-2.0091, F.A.C.

(11) Effect on Previously Approved Petition Form. Any petition form approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering unless a material change to the previously approved petition form has been approved by the Division of Elections or until the sponsoring political committee notifies the Division of Elections that the committee is no longer seeking to obtain ballot position, or the registration of the sponsoring political committee has been revoked in accordance with Rule 1S-2.021, F.A.C.

Specific Authority 20.10(3), 97.012(1), 100.371(3), 101.161(2) FS. Law Implemented 100.371, 101.161 FS. History--New 7-2-79, Formerly 1C-7.09, Amended 7-7-86, Formerly 1C-7.009, Amended 3-5-96, 7-31-02, 3-16-06,\_\_\_\_\_.

1S-2.0091 Constitutional Amendment Initiative Petition; Submission Deadline; Signature Verification ~~Verifying Electors' Signatures.~~

(1) Submission. Signed initiative petition forms proposing amendments to the Florida Constitution shall be submitted solely by the sponsoring political committee to the Supervisor of Elections in the county in which the petition forms were circulated. It is the responsibility of the sponsoring political committee to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to, the Supervisor of Elections of the county in which the signee is a registered voter ~~elector~~. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(2) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., Upon receipt of initiative petition forms, the Supervisor of Elections shall verify the signatures on each initiative petition form within 30 days of receipt of the form to ensure that each person signing the said petition form;

1. Was, at the time of signing and verification of the petition, is a registered voter elector in the that county in which the petition is submitted.

2. Had not previously revoked his or her signature on the petition.

3. Had not and that the date the elector signed the petition form is not more than four years prior to the date the Supervisor verified the petition, and

4. Had not ever previously signed a petition form containing the identical initiative.

(b) The Supervisor shall not verify a signature on an initiative petition form unless all of the following information is contained on the petition form:

1. The voter's signee's name,

2. The voter's signee's residential street address (including city and county),

3. The voter's signee's date of birth or voter registration number,

4. The voter's original signee's signature, and

5. The date the voter elector signed the petition, as recorded by the voter.

(3) Random Sampling Not Permitted. Supervisors of Elections may not use random sampling as a method for verifying signatures on constitutional amendment initiative petitions.

(4)(3) Recordation of Verification. Upon completion of the verification as set forth in subsection (2), the Supervisors of Elections shall adhere to the following procedures for submission of verified signature information to the Division of Elections:

(a) Procedures Applicable Before January 1, 2007.

1. The Supervisor of Elections shall submit to the Division of Elections a certificate indicating the total number of signatures checked, the number of signatures verified, the number verified as registered electors and the distribution by congressional district. The Division will provide appropriate forms to the Supervisor of Elections to be used for transmission of the required information. In conjunction with each certificate submitted, each Supervisor shall submit a copy of one petition showing the text of the constitutional amendment to which the certified signatures relate. Certificates may be submitted by the Supervisor via facsimile in order to meet the deadline, followed by an original copy by mail.

2. The Division shall determine from the transmitted certificates whether the requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order to have the initiative petition timely filed for purposes of appearance on the ballot for the next general election, certificates indicating the requisite number of verified signatures must be received by the Division of Elections no later than 5:00 p.m. on February 1 of the year in which the general election is held. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position to the appropriate sponsoring political committee.

(b) Procedures Applicable On or After January 1, 2007.

4. No later than 24 hours after verification of signatures on submitted initiative petition forms, the Supervisor of Elections shall directly record into the statewide voter registration system each valid and verified signature. The appropriate supervisor of elections for each respective voter elector whose signature is verified as valid shall record the date the form was received, the date of the signature, the date the signature was verified, and the assigned serial number for the applicable initiative petition.

(a) Determination of Constitutionally Requisite Number of Signatures. 2. The Division shall determine from the recorded verified petition signatures recorded in on the statewide voter registration system whether the constitutionally requisite number of verified signatures has been obtained with respect to each constitutional amendment for each congressional district and the State as a whole. In order for the initiative petition to be timely filed for appearance on the ballot for the next general election, the constitutionally requisite number of verified signatures must be recorded in the statewide voter registration system no later than 5:00 p.m. on February 1 of the year in which the general election is held.

(b) Prior to any determination that the constitutionally requisite number of signatures has been obtained for purposes of placing an amendment by initiative on the ballot, the Division shall determine in accordance with Rule 1S-2.0095, F.A.C., the number of verified petition revocations recorded no later than 5 p.m. on February 1 of the same year. The Division shall then deduct that number from the number of verified signatures recorded for the underlying applicable constitutional initiative amendment. Upon a determination that the constitutionally requisite number of signatures and distribution of signatures by congressional districts has been obtained, the Secretary of State shall issue a certificate of ballot position in accordance with Section 100.371, F.S., to the appropriate sponsoring political committee and assign a designating ballot number.

(c) For any constitutional amendment by initiative that obtained a certification of ballot position prior to the effective date of this rule, a determination shall be made whether the number of verified signatures for petition revocations recorded as of 5 p.m. on February 1 of the year in which the next general election is held is sufficient to reduce the number of verified signatures for the underlying initiative amendment below the constitutionally required number of signatures obtained for ballot placement. If the number of recorded verified petition revocations is sufficient, then the initiative amendment is removed or stricken from the ballot in accordance with subsection 1S-2.0011(3), F.A.C.

(5)(4) Limitation on Use of Verified Signatures. Verified signatures used successfully to place a proposed amendment by initiative on the ballot that subsequently fails to be approved by the electors at the general election shall not be used again in support of any future initiative petition.

Specific Authority 20.10(3), 97.012(1), 100.371(7) FS. Law Implemented 100.371 FS. History—New 1-6-80, Amended 12-20-83, Formerly 1C-7.091, 1C-7.0091, Amended 2-13-90, 3-5-96, 1-5-04, 3-16-06,\_\_\_\_\_.

1S-2.0095 Constitutional Amendment Initiative Petition Revocation; Petition Approval; Submission Deadline; Signature Verification.

(1) Submission of Petition Revocation Form. Prior to circulation of a petition revocation form, any person or group sponsoring the revocation effort must register as a political committee pursuant to chapter 106 and must obtain approval of the petition revocation form from the Division of Elections. Submissions shall be in writing and shall include a copy or a facsimile of the proposed form to be circulated. No petition revocation form may be circulated unless approved by the Division of Elections.

(2) Requirements and Approval of Petition Revocation Form. The Division shall review the petition revocation form solely for sufficiency of the format and shall render a decision within seven (7) days following receipt. The format of the petition revocation form is deemed sufficient only if the form:

(a) Is printed on separate cards or individual sheets of paper. The minimum size of such forms shall be 3 inches by 5 inches and the maximum shall be 8 1/2 inches by 11 inches.

(b) Is clearly and conspicuously entitled at the top of the form "Petition Revocation Form."

(c) Includes adequate space for the voter's: name; residential street address, city, and county at the time of signing the initiative petition for which the signature is being revoked; voter registration number; date of birth; signature; and date of signature.

(d) Contains the ballot title and ballot summary of the proposed amendment in the initiative petition for which the signature is being revoked.

(e) Conspicuously contains the full text of the amendment for which the signature is being revoked, as indicated in the initiative petition as approved in Rule 1S-2.009, F.A.C. If the text must be printed on both sides of the form, it shall be clearly indicated that the text is continued or begins on the other side.

(f) Contains space for only one voter's signature, to be located below the full text of the amendment for which the signature is being revoked.

(g) Contains instructions below the signature of the voter that provide:

1. The Supervisor of Elections may not accept the petition revocation form directly from the voter.

2. The voter shall return the form to the political committee sponsoring the revocation petition, and

3. The contact information for the political committee sponsoring the revocation petition, which at a minimum, shall include its name and mailing address.

(h) Is marked, in accordance with Section 106.143, F.S., with the appropriate disclaimer which identifies the name of the political committee sponsoring the revocation effort and the name of the entity paying for the petition, if different from the name of the committee sponsoring the revocation effort.

(i) Contains space for the name and address of a paid petition circulator in the event the petition revocation form is gathered by a paid petition circulator.

(3) Format of Petition Revocation Form. The format of the initiative petition revocation form submitted for review and approval by the Division of Elections shall be substantially in accordance with Form DS-DE 19R (eff. 8/1/2007), entitled "Petition Revocation Form." Form DS-DE 19R is hereby incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6500; or by download from the Division of Elections' webpage at <http://election.dos.state.fl.us>.

(4) Additional Information or Materials. Other than providing information or a method by which the petition revocation form may be returned by mail to the political committee, no additional information or materials that relate to the initiative petition or the petition revocation shall be printed directly on the form.

(5) Assignment of a Serial Number. The Division shall assign a serial number to each approved petition revocation form. The number shall be the serial number of the initiative petition form followed by an "R". For example, the serial number of the petition-revocation form on petition 06-1 would be 06-1R. The serial number assigned must be printed in the lower right hand corner of the petition revocation form.

(6) Bundling. No petition revocation form circulated for signature may be bundled with or attached to any other petition form or petition-revocation form.

(7) Reproduction. Petition-revocation forms may be reproduced in newspapers, magazines, other forms of printed mass media or made available via the Internet for download or printing, provided such forms are reproduced in the same format as approved by the Division. The petition revocation form may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken line border.

(8) Submission of Signed Petition Revocation Forms. All signed petition revocation forms shall be returned to the political committee sponsoring the revocation effort. Only the political committee sponsoring the revocation effort shall submit the signed petition revocation forms to the Supervisors of Elections for verification of signatures. It is the responsibility of the political committee sponsoring the revocation effort to ensure that the signed petition revocation form is properly filed with, or if misfiled forwarded to, the supervisor of elections of the county in which the signee was a registered voter at the time of signing the underlying original

initiative petition. In the case of a misfiled petition revocation form, the filing date of the petition revocation form is the date such petition is filed with the proper county.

(9) Signature Verification.

(a) In accordance with the signature verification fee provisions in Section 99.097(4), F.S., the Supervisor of Elections shall verify the signatures on each petition revocation form within 30 days of receipt of the form and shall confirm that:

1. The underlying original initiative petition on which the signature is being revoked was verified.

2. The date the petition revocation form was signed by the voter is not more than 150 days from the date the underlying original initiative petition was signed, and

3. The voter is a registered voter in Florida at the time of verifying the signature on the petition revocation form.

(b) The Supervisor shall not verify a signature on a petition revocation form unless all of the following information is contained on the petition revocation form:

1. The voter's name,

2. The voter's residential street address (including city and county) that was recorded on the underlying original signature petition on which the voter desires to revoke his or her signature;

3. The voter's date of birth or voter registration number;

4. The voter's original signature, and

5. The date the voter signed the petition revocation form, as recorded by the voter.

(10) Recordation of Verification. No later than 24 hours after verification of signatures on submitted petition revocation forms, the Supervisor of Elections shall record each valid and verified signature in the statewide voter registration system. The appropriate supervisor of elections for each respective voter whose signature is verified as valid shall record the date the petition revocation form was received, the date of signature, the date the signature was verified, and the assigned serial number for the applicable revocation petition.

(11) Filing Deadline. In order for a petition revocation form to count against the number of signatures recorded as verified for the underlying original initiative petition for the next general election, the signed petition revocation must be verified and entered into the statewide voter registration system no later than 5:00 p.m. of February 1 preceding the next general election in which the initiative amendment is certified for ballot position.

(12) Availability of Forms. The sponsoring political committee for the petition revocation effort shall provide each supervisor of elections with petition revocation forms for distribution at the main and branch offices of the supervisor of elections.

(13) Irrevocable Effect of Revocation. A voter may sign only one petition revocation form for the underlying original petition. In accordance with Section 104.185, F.S., when a voter signs a petition revocation form, the voter may not again sign the initiative petition on which the voter is seeking to revoke his or her signature.

(14) Applicability. Revocation of a voter's signature on an initiative petition may occur only on or after August 1, 2007 for a petition revocation form filed with the supervisor of elections not more than 150 days from the date the voter signed the underlying original initiative petition.

Specific Authority 20.10(3), 97.012, 100.371, 101.161 FS. Law Implemented Art. XI, Fla. Const., 100.371, 101.161 FS. History--New

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Gary Holland, Assistant General Counsel, General Counsel's Office, Florida Department of State, (850)245-6536

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Amy K. Tuck, Director, Division of Elections, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 2, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 29, 2007

## DEPARTMENT OF STATE

### Division of Elections

RULE NO.: 1S-2.045  
RULE TITLE: Candidate Petition Process

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to implement the provisions of Section 99.095, Florida Statutes, as amended in section 14 of Chapter 2005-277, Laws of Florida, and section 17 of Chapter 2007-30, Laws of Florida, relating to the process for qualifying by petition for candidates seeking federal, state, county, or special district offices.

SUMMARY: The proposed rule provides the process for a candidate to qualify by petition in lieu of paying the qualifying fee or party assessment required by Chapter 99, Florida Statutes. The proposed rule also provides, among other items, the format for the candidate petition, the requirements for the petition form, and the requirements for signature verification.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 20.10(3), 97.012(1), 99.095 FS.

LAW IMPLEMENTED: 99.095, 99.061 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: September 17, 2007, 1:30 p.m. – 2:30 p.m.

PLACE: Florida Heritage Hall (Plaza Level), R. A. Gray Building, 500 S. Bronough 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: Lisa Ginn or Nolah Shotwell, Administrative Assistant, Office of General Counsel, Florida Department of State at (850)245-6536. 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: Gary J. Holland, Assistant General Counsel, Office of the General Counsel, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250. Copies of the proposed rule are also available by contacting the Office of General Counsel at (850)245-6536, or online from the Division of Elections' rules webpage at: <http://election.dos.state.fl.us/index.html> or from the Department of State's E-rulemaking program at: [www.flrules.org](http://www.flrules.org). Comments regarding the rule may also be submitted online via the E-rulemaking program.

THE FULL TEXT OF THE PROPOSED RULE IS:

1S-2.045 Candidate Petition Process.

(1) Qualification by Petition. A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Section 99.095, F.S., is not required to pay the qualifying fee or party assessment required by Chapter 99, F.S.

(2) Required Number of Signatures. A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Effective January 1, 2008, special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

(3) Format of Petition.

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective / ), entitled "Candidate Petition Form." Form DS-DE 104 is hereby

incorporated by reference and is available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250; (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://election.dos.state.fl.us>. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

(b) A separate petition is required for each candidate. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken border.

(4) Submission of Petition. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(b) The supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's residential street address (including city and county);
3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition as recorded by the voter.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged



signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061, F.S.

(7) Effect on Previously Approved Candidate Petition Form. Any candidate petition form which contains the substantive requirements of subsections (3) and (5) and which was approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering until July 1, 2008.

Specific Authority 20.10(3), 97.012(1), 99.095 Law Implemented 99.095, 99.061 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Kristi Reid Bronson, Chief, Bureau of Election Records,  
Division of Elections, Florida Department of State

NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Amy K. Tuck, Director, Division of  
Elections, Florida Department of State

DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: August 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: June 29, 2007

**DEPARTMENT OF REVENUE**

**Property Tax Administration Program**

RULE NO.:	RULE TITLE:
12D-8.0063	Assessment of Changes, Additions, or Improvements to a Homestead

PURPOSE AND EFFECT: The purpose of the amendment to Rule 12D-8.0063, F.A.C., is to implement the provisions of Chapter 2006-311, Laws of Florida, providing a method for assessment of changes to homestead property damaged or destroyed by misfortune or calamity.

SUMMARY: The amendment to Rule 12D-8.0063, F.A.C., provides that changes, additions or improvements to homestead property do not include repair or replacement of property damaged by misfortune or calamity that does not cause the total square footage to exceed 1500 square feet or 110 percent of the original square footage of the property where the repair or replacement is made within 3 years after January 1 following the year of damage or destruction. Provides that the just value of the portion that exceeds 1500 square feet or 110 percent is treated as a change, addition or improvement and is added to the assessed value of the homestead as of January 1 of the year following completion of the repair or replacement. Provides special rules for damage from named storms of 2004. Provides the assessed value of damaged or destroyed homestead property not repaired or replaced is reduced by the just value of the property not repaired or replaced. Provides that the provisions of this rule applicable to damaged or destroyed property also apply where the owner of property at the time of damage or destruction, permanently resided on the property, was not entitled to homestead exemption for that year, but applied for and received homestead exemption on the property the following year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 195.027(1), 213.06(1) FS.

LAW IMPLEMENTED: 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05 FS.

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

DATE AND TIME: Monday, September 17, 2007, 9:30 a.m.  
PLACE: Room 143, Larson Building, 200 E. 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 48 hours before the workshop/meeting by contacting: Larry Green, (850)922-4830 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: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address galpss@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

12D-8.0063 Assessment of Changes, Additions, or Improvements to a Homestead.

(1) through (2) No change.

(3) General rules for assessment of changes, additions, or improvements; see paragraphs (a) through (d); for special rules for 2004 named storms see paragraph (e).

(a) Changes, additions, or improvements do not include replacement of a portion of homestead ~~real~~ property damaged or destroyed by misfortune or calamity when:

1.a. The square footage of the property as repaired or replaced does not cause the total square footage to exceed 1500 square feet, or

b. The square footage of the property as repaired or replaced does not exceed 110 percent of the square footage of the property before the damage or destruction; and

2. The changes, additions, or improvements are commenced within 3 years after the January 1 following the damage or destruction the just value of the damaged or destroyed portion as replaced is not more than 125 percent of the just value of the damaged or destroyed portion. The replacement just value in excess of 125 percent shall be treated as a change, addition, or improvement and added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion.

(b) When the repair or replacement of such properties results in square footage greater than 1500 square feet or otherwise greater than 110 percent of the square footage before the damage, such repair or replacement shall be treated as a change, addition, or improvement. The homestead property's just value shall be increased by the just value of that portion of the changed or improved property in excess of 1500 square feet or in excess of 110 percent of the square footage of the property before the damage, and that just value shall be added to the assessed value (including the assessment limitation change) of the homestead as of January 1 of the year following the substantial completion of the replacement of the damaged or destroyed portion. In lieu of the formula in paragraph (a) and subsection (4), changes

(c) Changes additions or improvements to homestead property rendered uninhabitable in one or more of the named 2004 storms is limited to the square footage exceeding 110 percent of the homestead property's total square footage. However, such ~~Such~~ homestead properties with 1350 or less square feet which are rebuilt up to 1500 total square feet are

not considered changes, additions or improvements subject to assessment at just value. ~~This paragraph shall apply to such homestead properties for which repairs are completed by January 1, 2008 and applies retroactively to January 1, 2005. See chapter 2005-268, Laws of Florida.~~

(d) These provisions apply to changes, additions or improvements commenced within 3 years after January 1 following the damage or destruction of the homestead and apply retroactively to January 1, 2006.

(e) Assessment of certain homestead property damaged in 2004 named storms. – Notwithstanding the provisions of Section 193.155(4), F.A.C., the assessment at just value for changes, additions, or improvements to homestead property rendered uninhabitable in one or more of the named storms of 2004 shall be limited to the square footage exceeding 110 percent of the homestead property's total square footage. Additionally, homes having square footage of 1,350 square feet or less which were rendered uninhabitable may rebuild up to 1,500 total square feet and the increase in square footage shall not be considered as a change, an addition, or an improvement that is subject to assessment at just value. The provisions of this paragraph are limited to homestead properties in which repairs are commenced by January 1, 2008, and apply retroactively to January 1, 2005.

~~(4) The replacement just value in excess of 125 percent, for purposes of this section, shall be measured directly by considering mass data collected, market evidence, and cost, or computed as follows:~~

~~(a) Determine the just value of the total homestead property prior to damage or destruction.~~

~~Example: Just value = \$100,000 and assessed value = \$80,000;~~

~~(b) Attribute a just value to the damaged or destroyed portion of the homestead property.~~

~~Example: \$10,000 (the just value of the remaining property including land is \$90,000);~~

~~(c) Compute the replacement just value that will be treated as not a change, addition, or improvement, by multiplying the amount determined under paragraph (b) by 125 percent.~~

~~Example: \$10,000 x 125 percent = \$12,500;~~

~~(d) Determine the just value of the total property after the damaged or destroyed portion has been replaced.~~

~~Example: \$120,000;~~

~~(e) Determine the just value of the replaced portion of the property.~~

~~Example: \$120,000 – \$90,000 = \$30,000; then~~

~~(f) Subtract the amount computed under paragraph (e) from the amount determined under paragraph (c).~~

~~Example: \$30,000 – \$12,500 = \$17,500.~~

This excess value shall be treated as a change, addition, or improvement, and added to the assessed value, including the assessment limitation change for the year, as provided in subsection (3).

Example:  $\$80,000 + \$2,248 (\$80,000 \times 2.81 \text{ percent consumer price index (CPI), assessment limitation change}) + \$17,500 = \$99,748$ .

~~(5) If the damaged portion is not replaced or substantially replaced in the year the damage occurred, but is replaced in a subsequent year, the replacement will be treated as a change, addition, or improvement as provided in subsections (3)(a) and (4), adjusted for changes in market and homestead property assessment limitation values. The just value of the damaged portion of property after the replacement or repair shall be compared to 125 percent of the value of the damaged portion as provided in subsections (3)(a) and (4).~~

~~(4)(6) When any portion of homestead property damaged by misfortune or calamity is and not replaced, or the replacement is not substantially completed in the year the damage occurred, or the square footage of the property after repair or replacement is less than 100 percent of the square footage prior to the damage or destruction portion as replaced is less than 100 percent of its previous just value, the assessed value of the property shall be reduced to the just value of the property after the destruction or damage of the property. If the just value after the damage or destruction is less than the total assessed value before the damage or destruction, the assessed value will be lowered to the just value.~~

(5) The provisions of subsection (3) of this rule section also apply to property where the owner permanently resides on the property when the damage or destruction occurred; the owner is not entitled to homestead exemption on January 1 of the year in which the damage or destruction occurred; and the owner applies for and receives homestead exemption on the property the following year.

Specific Authority 195.027(1), 213.06(1) FS. Law Implemented ~~Ch. 2005-268, L.O.F., 192.042, 193.011, 193.023, 193.155, 193.1551, 213.05 FS. History—New 12-27-94, Amended 12-25-96, 1-16-06,\_\_\_\_\_.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Sharon Gallops, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St., Tallahassee, Florida 32399-0100, telephone (850)414-6108, e-mail address gallops@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jerry Miller, Revenue Program Administrator, Property Tax Technical Unit, Department of Revenue, 725 S. Calhoun St. Tallahassee, Florida 32399-0100, telephone (850)414-6109

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006, Vol. 32, No. 47, p. 5503-5506. A workshop was held on December 7, 2006. No comments were received during the workshop.

### 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."

### STATE BOARD OF ADMINISTRATION

#### Florida Prepaid College Board

RULE NO.: 19B-16.003  
RULE TITLE: Participation Agreement

PURPOSE AND EFFECT: To update the Florida College Investment Plan Participation Agreement Form.

SUMMARY: This rule change is being made to update the Florida College Investment Plan Participation Agreement Form.

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 for a lower costs regulatory alternative must do so within 21 days of this notice.

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

LAW IMPLEMENTED: 1009.81(2) 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: October 15, 2007, 2:00 p.m.

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

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

THE FULL TEXT OF THE PROPOSED RULE IS:

19B-16.003 Participation Agreement.

(1) The contract between the Board and a benefactor shall consist of the benefactor's completed application and the participation agreement. The Florida College Investment Plan Participation Agreement, Form No. FPCB 20067-4, is hereby incorporated by reference. The form may be obtained from the Board by calling 1(800)552-GRAD (4723) (prompt 1).

(2) through (4) No change.

Specific Authority 1009.971(1), (4), (6) FS. Law Implemented 1009.981(2) FS. History--New 11-27-02, Amended 12-28-04, 6-2-05, 7-13-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Prepaid College Board  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Prepaid College Board  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 7, 2006  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 24, 2007

**WATER MANAGEMENT DISTRICTS**

**Suwannee River Water Management District**

RULE NO.: 40B-1.703  
RULE TITLE: Procedures for Consideration of Permit Applications

PURPOSE AND EFFECT: The purpose of the rule development is to codify delegated authority to the Executive Director to issue individual environmental resource permits. The effect of the rule will be to provide more efficient permit processing for individual environmental resource permit applications.

SUMMARY: This proposed rule development will codify delegated authority to the Executive Director to issue individual environmental resource permits.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 373.083, 373.044, 373.113, 373.118, 373.171, 373.4141 FS.

LAW IMPLEMENTED: 120.57, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 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: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULE IS:

40B-1.703 Procedures for Consideration of Permit Applications.  
(1) through (2)(b) No change.

(c) The Governing Board hereby delegates authority to the Executive Director or the Executive Director’s designee to issue individual environmental resource permits that require no limiting conditions or that require the following special conditions pursuant to subsection 40B-4.1140(1), Florida Administrative Code (F.A.C.), under Chapters 40B-4 and 40B-400, F.A.C.:

1. Permits that identify non-profit associations as operation and maintenance entities under subsection 40B-4.2035(3), F.A.C.; or

2. Permits that require the following documents to be recorded in legal records:

a. Final plats; and

b. Deed restrictions; and

c. Drainage easements.

Unless objection to the permit application or the notice of proposed agency action is made according to statute and these rules by a substantially affected person, the Executive Director shall either issue the permit or place the application on the agenda of the next regularly scheduled meeting of the Governing Board.

(c) No change.

Specific Authority 373.044, 373.083, 373.113, 373.118, 373.171, 373.4141 FS. Law Implemented 120.57, 120.59, 120.60, 373.084, 373.085, 373.086, 373.106, 373.116, 373.118, 373.229, 373.313, 373.413, 373.416, 373.426 FS. History--New 6-16-88. Amended 12-22-92, 10-3-95,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

**DEPARTMENT OF ELDER AFFAIRS**

**Federal Aging Programs**

RULE NO.: 58A-2.004  
RULE TITLE: Licensure Procedure

PURPOSE AND EFFECT: The purpose of the proposed rule amendment is to incorporate changes in licensure requirements, including licensure application forms incorporated by reference in the rule.

SUMMARY: The proposed rule amendment adds changes to licensure requirements and includes updated licensure application forms that are incorporated by reference in the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 400.605, 408.802(19), 408.805(1) FS.

LAW IMPLEMENTED: 400.605, 400.606, 408.802(19), 408.805(1), 408.832, 435.04(5), 435.05(3) 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: September 17, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 225F, 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, SunCom 994-2000; Email address: crocethj@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 IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org. THE PROPOSED RULE AND DOCUMENTS INCORPORATED BY REFERENCE ARE LOCATED ON THE DEPARTMENT INTERNET AT <http://elderaffairs.state.fl.us> UNDER THE RIGHT SIDE HEADING ENTITLED "DOEA RULEMAKING." HOSPICE Rule 58A-2.004, F.A.C.

THE FULL TEXT OF THE PROPOSED RULE IS:

58A-2.004 Licensure Procedure.

(1) ~~Biennial~~ licenses issued by the agency AHCA to operate a hospice ~~are contingent~~ shall be based upon the results of an agency ~~a survey conducted by the AHCA~~ to determine compliance with the requirements of Chapter 400, Part ~~IV VI~~, F.S., Chapter 408, Part II, F.S., and with these rules. ~~A license shall be issued to any not-for-profit public or private agency who meets all federal, state and local requirements.~~

(2) Application for a license ~~must~~ shall be made by completing ~~to the~~ the AHCA Form 3110-4001, Health Care Licensing Application, Hospice, July, 2007 ~~on forms prescribed by the AHCA.~~

(a) The form is hereby incorporated by reference and may be obtained from the agency Web site at <http://ahca.myflorida.com/MCHO/Health Facility Regulation/Home Care/docs/RenewalApp July07 Hospice.doc>, or from the Agency for Health Care Administration, Licensed Home Health Programs Unit, 2727 Mahan Drive, Mail Stop 34, Tallahassee, Florida 32308 or by contacting (850)414-6010.

(b) The application must be accompanied by a biennial licensure fee of one thousand two hundred dollars (\$1,200.00) as provided under Sections 400.606, F.S., and Chapter 408, Part II, F.S., payable by check or money order to the Agency for Health Care Administration.

~~The application shall be accompanied by a license fee of six hundred dollars (\$600.00) as provided under Section 400.606, F.S., in check or money order, payable to the Agency for Health Care Administration.~~

(3) In addition to the information required in Section 400.606(1), F.S., the following information is required for the licensure application and must be submitted with the application form:

(a) The name of the hospice's administrator and the administrator's license number if the administrator is a licensed professional; the name of the hospice's financial officer; the name and license number of the hospice's medical director; the name and license number of the hospices's nursing supervisor; and the number and types of licensed professionals who provide direct services as required in Section 400.609(1), F.S. including clergy, employed or to be employed by the hospice; ~~the number of home health aides employed or to be employed by the hospice; the number and types of other personnel employed or to be employed by the hospice and assigned to a hospice care team or teams.~~

(b) For initial licensure only, the Certificate of Need and a certificates of occupancy, certificate of use or evidence that the location is zoned for use as a hospice and evidence of compliance with Section 408.810(6), F.S. signed by local authorized zoning, building and electrical officials shall be attached to the application. ~~For initial licensure, where there are no municipal, county or electrical building codes, the applicant shall provide a written statement of compliance with these regulations from a registered architect or professional engineer who shall substitute for the authorities specified above.~~ A separate survey for fire safety and physical plant requirements of residential units and freestanding inpatient facilities must ~~operated by the hospice~~ shall be made by the agency AHCA prior to the opening of the facilities and on a periodic basis thereafter.

(c) ~~For initial~~ As a condition of licensure only, each successful applicant shall submit the names and professions for all hospice care team staff, and professional license numbers held by licensed hospice care team members ~~staff who are licensed~~; no later than three (3) months after the license is issued.

(d) For relocation of the principal office and addition or relocation of branch offices, a hospice must submit to the agency a certificate of occupancy, certificate of use or evidence that the new location is zoned for use as a hospice and evidence of compliance with Section 408.810(6), F.S.

(4) In addition to the requirements outlined in subsections (1) through (3) of this rule, each hospice must complete AHCA Form #3100-0007, Affidavit of Compliance with Level 2 Background Screening for Covered Employees, November 2006, in accordance with Sections 435.04(5) and 435.05(3), F.S.

(a) The form is hereby incorporated by reference and may be obtained from the agency's Web site at <http://ahca.myflorida.com/MCHO/Corebill/Files/Affidavit Compliance with BGS Covered.pdf> or the address cited in paragraph (2)(a) of this rule.

(b) The form must be completed annually and submitted to the agency on the anniversary date of the signature on the original form.

Specific Authority 400.605, 408.802(19), 408.805(1) FS. Law Implemented 400.605(~~+~~)(a), 400.606, 408.802(19), 408.805(1), 408.832, 435.04(5), 435.05(3) FS. History--New 5-6-82, Formerly 10A-12.04, Amended 10-6-91, Formerly 10A-12.004, Amended 4-27-94, Formerly 59A-2.004, Amended 6-5-97, 8-10-03,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006 and May 11, 2007

**DEPARTMENT OF ELDER AFFAIRS**

**Division of Statewide Community Based Services**

RULE NOS.:	RULE TITLES:
58N-1.001	Application Process
58N-1.003	Service Descriptions
58N-1.005	Service Provider Qualifications
58N-1.007	Program Requirements
58N-1.009	Care and Service Standards
58N-1.011	Outcome Measures
58N-1.013	Quality Assurance Standards
58N-1.015	Utilization Review
58N-1.017	Grievance and Conflict Resolution Procedures
58N-1.019	Service Satisfaction

PURPOSE AND EFFECT: The proposed rules comply with Section 430.706, F.S., which requires the department, in consultation with the Agency for Health Care Administration, to “develop quality of care standards for community diversion pilot projects.” At a minimum, these “standards must include,

but are not limited to, outcome measures, utilization review, grievance and conflict resolution, patient satisfaction, and care and service standards.”

SUMMARY: The proposed rules include the long-term care community diversion pilot project provider application process, including three application forms incorporated by reference; service descriptions and service provider qualifications; program requirements; care and service standards, including a uniform disenrollment form incorporated by reference; outcome measures; quality assurance standards, utilization review; grievance and conflict resolution; and service satisfaction.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 430.706 FS.

LAW IMPLEMENTED: 409.912(27), 430.705(2)(b)2., 430.706, 641.3155, 641.51, 641.511 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: September 18, 2007, 1:00 p.m. – 5:00 p.m. EST.

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference 225F, 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, SunCom 994-2000; Email address: crocethj@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 RULES IS: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, FL 32399-7000; telephone number (850)414-2000, SunCom 994-2000; Email address: crocethj@elderaffairs.org

THE PROPOSED RULE AND FORMS INCORPORATED BY REFERENCE IN THE RULE MAY BE OBTAINED ON THE DEPARTMENT INTERNET AT <http://elderaffairs.state.fl.us> UNDER THE HEADING ENTITLED “DOEA RULEMAKING.”

THE FULL TEXT OF THE PROPOSED RULES IS:

58N-1.001 Application Process.

(1) Applicants who wish to apply as a provider for the Long-Term Care Community Diversion Pilot Project must complete DOEA Form LTCD-001, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Provider Application, July 2007, which is hereby incorporated by reference.

(a) The form is available from the Department of Elder Affairs (DOEA) Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTCD001.pdf>. The form is also available for the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support, 4040 Esplanade Way, Tallahassee, FL 32399-7000, Telephone number (850)414-2000.

(b) Applicants must follow the instructions in completing the application and submit it to the address as instructed on the application cover sheet.

(2) In addition, applicants must also enroll as Medicaid providers by completing the following Agency for Health Care Administration (AHCA) forms:

(a) AHCA form 2200-0003 (December 2004), Florida Medicaid Provider Enrollment Application; and

(b) Non-Institutional Medicaid Provider Agreement (February 2007).

(c) These forms are hereby incorporated by reference and may be obtained from the AHCA Web site at <http://floridamedicaid.acs-inc.com/XJContent/Non-Institutional%20Provider%20Agreement?id=000003568505> and <http://floridamedicaid.acs-inc.com/XJContent/Florida%20Medicaid%20Provider%20Enrollment%20Application?id=000000745363>, respectively.

(d) These forms must be submitted to the department along with DOEA Form LTCD-001.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New \_\_\_\_\_.

58N-1.003 Service Descriptions.

A long-term care community diversion pilot project provider (hereafter referred to as "diversion provider" or "provider") must either provide or arrange for services in accordance with the requirements in its contract with the department and the requirements in the Florida Nursing Home Diversion Waiver under the Agency for Health Care Administration's (AHCA) Medicaid program.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New \_\_\_\_\_.

58N-1.005 Service Provider Qualifications.

The qualifications for individuals or entities providing services as outlined in Rule 58N-1.003, F.A.C., must be in accordance with the requirements of the diversion provider's contract with the department, the requirements of the AHCA Florida Nursing Home Diversion Waiver, and federal and state regulations.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New \_\_\_\_\_.

58N-1.007 Program Requirements.

Diversion providers must meet the requirements addressed in Section 430.705(2)(b), F.S., and in its contract with the department.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History--New \_\_\_\_\_.

58N-1.009 Care and Service Standards.

(1) Medicaid Waiver Services: With the exception of nursing facility services, the long-term care services included under the diversion pilot projects are authorized under the Florida Nursing Home Diversion Waiver. The waiver services must meet all licensure and certification requirements as specified in Rule 58N-1.005, F.A.C.

(2) Case Management. Case management services must be provided by case managers directly employed by the diversion provider.

(a) Case managers must meet at least one of the following qualifications:

1. Have a Bachelor's Degree from an accredited college or university in social work, sociology, psychology, gerontology or human services related field; or

2. Have a Bachelor's Degree from a college or university and have at least two (2) years of related case management experience; or

3. Be a registered nurse licensed to practice in the state; or

4. Be a licensed practical nurse licensed to practice in the state with three (3) years of geriatric or related experience.

(b) In addition to any other training required, the diversion provider must ensure that case managers annually attend and complete the following training:

1. Abuse, neglect, and exploitation training specifically involving the elderly;

2. Four (4) hours of in-service training on issues affecting the frail elderly; and

3. Alzheimer's disease and related disorders annual continuing education training from a qualified individual or entity, focusing on newly developed topics in the field.

(c) The diversion provider may employ paraprofessionals, such as case aides, to assist case managers.

1. Case aide services are adjunctive to case management services and may be provided by paraprofessionals under the direction of case managers.

2. Case aide services include assistance with:

a. Implementing plans of care by arranging and verifying the services provided by the subcontractors;

b. Obtaining access to appointments and other services as prescribed in the plans of care; and

c. Arranging linkages between providers and participants.

3. Case aide services do not include:

a. Developing plans of care;

b. Conducting assessments or reassessments; or

c. Participating directly with assessing participant health status, medical follow-up or discharge planning.

(d) At a minimum, case managers must have one face-to-face visit with each participant at least every ninety (90) days from the date of enrollment.

(e) The case manager must make the necessary emergency plans or other shelter arrangements with the participant or representative during the enrollment orientation process.

1. The emergency plan must include arrangements for emergency supplies, transportation to the emergency location, and assistance in the coordination of emergency services with the participant's family or other shelter arrangements.

2. The participant must be provided with the diversion provider's emergency contact number.

3. The case manager must review and update the participant's emergency/disaster plan with the participant or representative at least annually.

(3) Care Planning:

(a) Each participant must have a care plan. The care plan is the tool used by the case manager to document a participant's assessed needs, desired outcomes, and services to be provided. The care plan is a plan of action, developed in conjunction with the participant, caregiver and/or family member or representative, and to the extent possible, the participant's physician. It is designed to assist the case manager in the overall management of the participant's care.

1. At each face to face visit, the participant or representative and case manager must review the care plan and make changes, if necessary, to meet the participant's continuing needs. The participant or representative and case manager must acknowledge in writing that the care plan was reviewed and changes to the care plan were agreed upon, if applicable.

2. At any time a significant change is indicated, the participant or representative and case manager must acknowledge the change in writing.

3. The participant or representative must receive a signed and dated copy of the care plan or care plan summary.

(b) All changes in services in the care plan must be documented in the participant's file.

(4) Emergency/Disaster Plan and Plan for Continuity of Operations.

(a) The diversion provider must submit an emergency/disaster plan to the department no later than April 30th of each year. The plan must include a list of names and contact information for members of the provider's disaster and emergency management team.

(b) The diversion provider must submit annually a continuity of operations plan (COOP). The plan must include:

1. Risk assessment of the physical and operational environment, the information technology that supports that environment and an analysis of the potential impact a disaster, emergency or other significant business interruption would have on critical functions in service delivery.

2. Procedure for the maintenance of communications, security controls and continued protection of confidential data and information contained in both electronic and hard copy formats, including alternate sites for facility operations, data operations and related functions.

3. Notification protocol for initiation of the plan and for continued communications between essential staff, stakeholders, the department and participants, including a regularly updated list of names and functions of essential emergency team members.

4. A recovery strategy to include restoration of normal operations and systems and notification protocol for staff, participants, other stakeholders and the department throughout the recovery process.

5. Annual schedule for training in emergency procedures for essential team members and staff, and inspection and testing of facilities and equipment both on-site and alternate or back-up facilities or equipment.

(5) Disenrollments:

(a) In order to disenroll a participant from the diversion program, the diversion provider must complete DOEA Form LTCD-002, Department of Elder Affairs Long-Term Care Community Diversion Pilot Project Request for Disenrollment, July 2007, which is hereby incorporated by reference and available at the department's Web site at <http://elderaffairs.state.fl.us/english/forms/DOEAformLTCD002.pdf> or from the following address: Department of Elder Affairs, Division of Statewide Community-Based Services, Long-Term Care and Support Unit, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, Telephone number (850)414-2000.

(b) Upon notification of a participant's death, the diversion provider must disenroll the participant and void any claims for the months following the participant's death. The diversion provider must notify the local offices of the Comprehensive Assessment and Review for Long-Term Care Services (CARES) and Department of Children and Families.

(c) The diversion provider must submit a copy of voluntary disenrollments to the local CARES office. In addition, the provider must submit all disenrollment



transactions to the Medicaid fiscal agent via electronic submission or other method as set forth in its contract with the department.

(d) The CARES office must not accept disenrollment forms from anyone other than the participant’s current diversion provider.

(e) The current diversion provider must continue to provide services to the participant until the documented effective date of disenrollment.

Specific Authority 430.706 FS. Law Implemented 430.705(2)(b)2., 430.706 FS. History–New \_\_\_\_\_.

58N-1.011 Outcome Measures.

(1) Service Provider Reimbursement: Diversion providers must demonstrate that service provider reimbursements meet the timeliness requirements according to Section 641.3155, F.S.

(2) Diversion Provider Reporting: Diversion providers must demonstrate that required reports outlined in their contracts with the department are submitted to the department on or before the due date.

Specific Authority 430.706 FS. Law Implemented 430.705(2)(b)3., 430.706, 641.3155 FS. History–New \_\_\_\_\_.

58N-1.013 Quality Assurance Standards.

The diversion provider must develop a quality assurance program with written policies and procedures. The quality assurance program must comply with applicable provisions of Sections 409.912(27) and 641.51, F.S., and the diversion provider’s contract with the department

Specific Authority 430.706 FS. Law Implemented 409.912(27), 430.706, 641.51 FS. History–New \_\_\_\_\_.

58N-1.015 Utilization Review.

As part of its quality assurance program referenced in Rule 58N-1.013, F.A.C., each diversion provider must develop a utilization review methodology that must include, at a minimum, the following elements:

(1) Participants who received services with adverse or unexpected outcomes;

(2) Management of participants’ care;

(3) Appropriateness and timeliness of services provided;

(4) Comprehensiveness of the care plan and the participant’s compliance or non-compliance with the care plan, and the effects on the desired outcomes;

(5) Evidence of special screening for, and monitoring of, high-risk participants whose diagnoses may result in adverse outcomes; and

(6) Evidence of resolution of service satisfaction issues.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New \_\_\_\_\_.

58N-1.017 Grievance and Conflict Resolution.

Diversion providers must have detailed written procedures in place for participant grievance and appeal processes in accordance with applicable state and federal laws for the particular type of diversion provider.

Specific Authority 430.706 FS. Law Implemented 430.706, 641.511 FS. History–New \_\_\_\_\_.

58N-1.019 Service Satisfaction.

(1) Diversion providers must conduct participant and caregiver (family/representative) service satisfaction surveys and report the survey results in accordance with the requirements outlined in its contract with the department.

(2) Diversion providers must submit statements of validity, reliability and unbiasedness along with the results of the participant and caregiver satisfaction surveys.

(a) The validity and reliability statements must address how participants and caregivers for these surveys have been statistically or otherwise established.

(b) The unbiasedness statement must address the measures that the provider utilized to ensure the independence of the survey and the trust of the respondent.

(c) The statements must be signed by the authorized representative of the diversion provider.

(3) The diversion provider must retain copies of satisfaction survey results for review during the department’s monitoring process to determine its compliance with the requirements of its contract with the department and subsection 58N-1.015(6), F.A.C.

Specific Authority 430.706 FS. Law Implemented 430.706 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jim Crochet

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: E. Douglas Beach, Ph.D., Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 10, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 22, 2006 and May 25, 2007

**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 NO.:	RULE TITLE:
62-550.550	Certified Laboratories and Analytical Methods for Public Water Systems

**PURPOSE, EFFECT AND SUMMARY:** The proposed amendments adopt the new analytical methods approved by the U.S. Environmental Protection Agency in the March 12, 2007, Federal Register. These analyses are for determining compliance with the drinking water standards.

**SPECIFIC AUTHORITY:** 403.853(3), 403.861(9) FS.

**LAW IMPLEMENTED:** 403.853(1), (3), 403.861(16), (17) FS.

**THIS RULEMAKING IS UNDERTAKEN PURSUANT TO SECTION 403.8055, F.S. WRITTEN COMMENTS MAY BE SUBMITTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE TO:** Ken Carter, P.E., Department of Environmental Protection, Drinking Water Section, MS 3520, 2600 Blair Stone Rd., Tallahassee, FL 32399-2400; telephone (850)245-8626

**SUBSTANTIALLY AFFECTED PERSONS MAY WITHIN 14 DAYS OF THE DATE OF THIS NOTICE, FILE AN OBJECTION TO THIS RULEMAKING WITH THE AGENCY. THE OBJECTION SHALL SPECIFY THE PORTIONS OF THE PROPOSED RULE TO WHICH THE PERSON OBJECTS AND THE SPECIFIC REASONS FOR THE OBJECTION.**

**THE FULL TEXT OF THE PROPOSED RULE IS:**

62-550.550 Certified Laboratories and Analytical Methods for Public Water Systems.

(1) For the purpose of determining compliance with standards and monitoring requirements other than those mentioned in subsection (2) below, samples shall be considered acceptable only if they have been analyzed by a laboratory certified in drinking water by the Department of Health to perform such drinking water analyses with the exception that measurements for alkalinity, bromide, calcium, chlorite at entrances to distribution systems, orthophosphate, silica, specific ultraviolet absorbance, or total organic carbon may be performed by operators licensed under Chapter 62-602, F.A.C., or by persons under the direct supervision of a licensed operator, and measurements for conductivity, disinfectant residual, pH, temperature, or turbidity may be performed by operators licensed under Chapter 62-602, F.A.C., by persons under the direct supervision of a licensed operator, or by any authorized representative of the Department. Approved analytical methods shall be used and are contained in the July 1, 2007, July 1, 2003 edition of 40 CFR 141.21, 141.23, 141.24, 141.25, 141.27, 141.74, 141.89, 141.131, and 143.4, and in the Federal Register, Vol. 72, Number 47, March 12, 2007, pp. 11199-11249, Vol. 69, No. 30, February 13, 2004, pp. 7156 – 7161, and Vol. 69, No. 164, August 25, 2004, pp. 52177 – 52182, all of which are incorporated herein by reference. Use of an alternative analytical technique requires written permission from the Department and the U.S. Environmental

Protection Agency. The use of DPD colorimetric test kits to measure residual chlorine, chloramine, or chlorine dioxide concentration is approved.

(2) through (4) No change.

Specific Authority 403.853(3), 403.861(9) FS. Law Implemented 403.853(1), (3), 403.861(16), (17) FS. History–New 11-19-87, Formerly 17-22.350, Amended 1-18-89, 5-7-90, 1-3-91, 1-1-93, 1-26-93, Formerly 17-550.550, Amended 9-7-94, 2-7-95, 8-1-00, 11-27-01, 4-14-03, 11-28-04,\_\_\_\_\_.

## **DEPARTMENT OF HEALTH**

### **Board of Nursing**

**RULE NO.:** 64B9-2.001

**RULE TITLE:** Definitions

64B9-2.001

Definitions

**PURPOSE AND EFFECT:** The purpose of the rule amendment is to clarify the program approval process.

**SUMMARY:** The program approval process is clarified.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 464.006, 464.019(2) FS.

**LAW IMPLEMENTED:** 464.019 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:** Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

**THE FULL TEXT OF THE PROPOSED RULE IS:**

64B9-2.001 Definitions.

(1) Approved nursing education program: a nursing education program leading to initial licensure which has been approved by the Board after having met the standards of nursing education. Each initial licensure program (i.e., professional, baccalaureate, or practical nursing) and each campus offering an initial nursing education program require separate, individual program approvals by the Board. campus and geographical location of the nursing education program is approved separately.

(2) through (24) No change.

Specific Authority 464.006, 464.019(2) FS. Law Implemented 464.019 FS. History–New 7-15-80, Amended 11-22-84, Formerly 21O-7.20, Amended 2-5-87, 6-8-88, Formerly 21O-7.020, Amended 9-7-93, Formerly 61F7-2.001, 59S-2.001, Amended 12-11-97, 1-28-02, 10-19-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 10, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-3.014  
RULE TITLE: Criteria for Credentialing Agencies  
PURPOSE AND EFFECT: The purpose of the rule amendment is to broaden the criteria for education evaluators to be more inclusive.  
SUMMARY: The criteria for education evaluators is broadened to be more inclusive.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 464.006 FS.  
LAW IMPLEMENTED: 456.013(1), 464.008 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-3.014 Criteria for Credentialing Agencies.

In order to be accepted as documentation of the required education, a report must be submitted from a credentialing agency to the Board of Nursing that meets the following criteria:

~~(1) Professional standard.~~

~~(1)(a)~~ The credentialing agency must be a member of a national credentialing organization that sets performance standards for the industry, and must adhere to those standards.

~~(2)(b)~~ The credentialing agency's standards must be monitored by an external committee of credentialing experts and nursing educators.

~~(2) Services.~~

~~(a) The credentialing agency must specialize in evaluation of international nursing education and licensure.~~

~~(3)(b)~~ The credentialing agency must demonstrate the ability to accurately analyze academic and licensure credentials in terms of U.S. comparability, with course-by-course analysis for nursing academic records.

~~(4)(e)~~ The credentialing agency must manage the translation of original documents into English.

~~(5)(d)~~ The credentialing agency will inform the Board of Nursing in the event applicant documents are found to be fraudulent.

~~(3) Organization.~~

~~(6)(a)~~ The credentialing agency must have been in the business of evaluating nursing education for a minimum of 10 years.

~~(b) The credentialing agency must have nursing educators on staff.~~

~~(7)(4)~~ Credentials evaluation report.

(a) through (c) No change.

(d) The report must state the comparability of the foreign education to U.S. and to Florida Board of Nursing standards.

(e) No change.

Specific Authority 464.006 FS. Law Implemented 456.013(1), 464.008 FS. History—New 4-19-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing  
NAME OF SUPERVISOR OR PERSON WHO APPROVED  
THE PROPOSED RULE: Board of Nursing  
DATE PROPOSED RULE APPROVED BY AGENCY  
HEAD: June 10, 2004  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT  
PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing**

RULE NO.: 64B9-15.003  
RULE TITLE: Eligibility for Certification  
PURPOSE AND EFFECT: The purpose of the rule amendment is to implement 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S.  
SUMMARY: The 2005 legislative amendments to Sections 464.201, 464.202 and 464.203, F.S. are implemented.  
SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 464.202, 464.203 FS.  
LAW IMPLEMENTED: 464.203, 464.2085 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: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B9-15.003 Eligibility for Certification.

(1) An applicant for initial certification as a certified nursing assistant shall apply to the vendor approved by the department to administer the certified nursing assistant examination.

(2) An applicant for certification as a certified nursing assistant shall meet the requirements of Section 464.203, F.S.

(3) An applicant for initial certification must demonstrate competency to read and write if the applicant passes the clinical skills portion of the certified nursing assistant examination given in English only.

Specific Authority 464.202, 464.203 FS. Law Implemented 464.203, 464.2085 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-11.002  
 RULE TITLE: Eligibility for Licensure

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify the eligibility requirements for licensure.

SUMMARY: The rule amendment will add language to clarify the eligibility requirements for licensure.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.017, 468.1685(1), 468.1695(1) FS.

LAW IMPLEMENTED: 456.017, 468.1695(1) 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-11.002 Eligibility for Licensure Examination.

(1) Required Examinations.

(a) The Board approves the Nursing Home Administrators Examination developed and administered by the National Association of Boards of Examiners of Nursing Home Administrators.

(b)(2) In addition to the national examination referenced in subsection (1)(a) above, each applicant for licensure shall also be required to take an examination on the laws and regulations of the State of Florida which governs the practice of nursing home administrators.

(2) To establish eligibility for licensure as a nursing home administrator by examination under Section 468.1695, F.S., the applicant must successfully pass the required examinations in subsection (1), and must provide that the applicant holds:

(a) A baccalaureate degree from an accredited college or university with a major in health care administration or has credit for at least 60 semester hours in subjects as defined under Rule 64B10-11.007, F.A.C., and;

1. Completed a college-affiliated or university-affiliated internship; or

2. Completed a 1,000-hour nursing home administrator-in-training program approved by the Board; or

(b) A baccalaureate degree from an accredited college or university, and

1. Completed a 2,000-hour nursing home administrator-in-training program approved by the Board; or

2. Has one year of management experience by performing executive duties and skills, including the staffing, budgeting, and directing of resident care, dietary, and bookkeeping departments within a skilled nursing facility, hospital, hospice, assisted living facility with a minimum of 60 licensed beds, or geriatric residential treatment program. If, however, such experience is not in a skilled nursing facility, the applicant must complete the requirements of a 1,000-hour nursing home administrator-in-training program approved by the Board.

(3) To establish eligibility for licensure as a nursing home administrator by endorsement under Section 468.1705, F.S., the applicant must successfully pass the required examinations in subsection (1), and;

(a) Hold a valid active license to practice nursing home administration in another state, provided that the current requirements for licensure in that state are substantially equivalent to, or more stringent than, the current requirements in the state of Florida; and

(b) Have practiced as a nursing home administrator for 2 years within the 5-year period immediately preceding the application by endorsement.

Specific Authority 456.017, 468.1685(1), 468.1695(1), (2) FS. Law Implemented 468.017, 468.1695(1), (2) FS. History—New 12-26-79, Amended 3-1-82, 7-29-82, Formerly 21Z-11.02, Amended 1-18-87, 6-2-87, 12-3-90, Formerly 21Z-11.002, 61G12-11.002, Amended 7-16-95, Formerly 59T-11.002, Amended 5-15-00, 11-6-02, 8-30-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-14.006  
RULE TITLE: Citations

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that citation regards practice on delinquent rather than inactive license; to modify amount of fines for falsely certifying compliance with continuing education hours; to delete requirements to make up missing continuing education units; to delete subsection regarding first-time failure to comply with Rule 64B10-15.001, F.A.C.; to add subsection imposing a fine and payment requirements for tendering a check that is dishonored; to delete requirements that prior to issuance of the citation for the investigator to confirm the status or correction of the violation; and to remove certain potential for harm.

SUMMARY: The rule amendment will clarify that citation regards practice on delinquent rather than inactive license; to modify amount of fines for falsely certifying compliance with continuing education hours; to delete requirements to make up missing continuing education units; to delete subsection regarding first-time failure to comply with Rule 64B10-15.001, F.A.C., to add subsection imposing a fine and payment requirements for tendering a check that is dishonored; to delete requirements that prior to issuance of the citation for the investigator to confirm the status or correction of the violation; and to remove certain potential for harm.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.073, 456.077 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Directors/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-14.006 Citations.

(1) through (2) No change.

(3) The following violations with accompanying fines may be disposed of by citation:

(a) Practice on an delinquent ~~inactive~~ license or certificate for less than six months. The fine shall be \$50 for each month of practice.

(b) Falsely certifying compliance with continuing education hours required for renewal of licensure or certification. If the individual has no documentation, the fine shall be ~~\$1500.00~~ \$500.00. If the individual has some documentation, the fine shall be \$500. ~~penalty is \$25 per missing hour, to a maximum of \$500. For failing to provide documentation of the HIV/AIDS course, the fine shall be \$100.00. All missing CEUs shall be made up within six months of the date the citation becomes a Final Order.~~

(c) through (d) No change.

~~(e) First time failure to comply with Rule 64B10-15.001, F.A.C. The fine shall be \$500.00. For each hour of continuing education not completed or completed late, the licensee shall be required to complete one (1) additional hour of continuing education within six (6) months of the issuance of the citation.~~

~~(e)(f)~~ No change.

~~(f)(g)~~ No change.

(4) Tendering a check that is dishonored by the institution upon which it is drawn shall result in a fine of \$100 and payment of the check within 30 days. Prior to issuance of the citation, the investigator must confirm that the violation has been corrected or is in the process of being corrected. If the violation is a substantial threat to the public health, safety and welfare, such potential for harm must be removed prior to issuance of the citation.

(5) No change.

Specific Authority 456.073, 456.077 FS. Law Implemented 456.077 FS. History--New 3-1-92, Formerly 21Z-14.006, 61G12-14.006, Amended 7-21-97, Formerly 59T-14.006, Amended 5-15-00, 8-23-00, 2-23-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-15.001  
RULE TITLE: Continuing Education for Licensure Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete existing requirement that a license – holder is not permitted to receive more than 15 continuing education hours in one topic.

SUMMARY: The rule amendment will delete existing requirement that a license – holder is not permitted to receive more than 15 continuing education hours in one topic.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.033, 468.1685(1), 468.1715(3), 468.1725 FS.

LAW IMPLEMENTED: 456.013(6), 456.033, 468.1715(3), 468.1725 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.001 Continuing Education for Licensure Renewal  
(1) No change.

(2) Each license-holder shall complete forty (40) contact hours of continuing education in accordance with these rules. ~~A license – holder shall not be permitted to receive more than fifteen (15) continuing education hours in any one topic for a single program.~~

(3) through (6) No change.

Specific Authority 456.033, 468.1685(1), 468.1715(3), 468.1725 FS. Law Implemented 456.013(6), 456.033, 468.1715(3), 468.1725 FS. History--New 12-11-80, Amended 2-20-83, 5-24-84, Formerly 21Z-15.01, Amended 12-31-86, 2-26-89, 11-19-91, Formerly 21Z-15.001, 61G12-15.001, Amended 9-4-96, 10-20-96, 7-21-97, Formerly 59T-15.001, Amended 5-15-00, 11-4-02, 5-7-06, 4-8-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Nursing Home Administrators  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Nursing Home Administrators  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-15.002  
RULE TITLE: Criteria for Approved Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that this subsection applies to continuing education courses that are approved (rather than offered) by the National Association of Boards of Examiners of Long Term Care Administrators.

SUMMARY: The rule amendment will clarify that this subsection applies to continuing education courses that are approved (rather than offered) by the National Association of Boards of Examiners of Long Term Care Administrators.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 468.1685(1), 468.1725(3) FS.

LAW IMPLEMENTED: 456.013, 468.1715, 468.1725 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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrator /MQA, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-15.002 Criteria for Approved Continuing Education

(1) through (7) No change.

(8) Continuing education courses ~~offered and~~ approved by the National Association of Boards of Examiners of Long Term Care Administrators are accepted as long as the requirements are similar to or more stringent than those required by the Board in subsection 64B10-15.002(1) and Rule 64B10-16.005, F.A.C.

(9) through (10) No change.

Specific Authority 468.1685(1), 468.1725(3) FS. Law Implemented 456.013, 468.1715, 468.1725 FS. History--New 12-11-80, Amended 2-20-83, Formerly 21Z-15.02, Amended 6-22-87, 2-26-89, 12-6-89, 11-11-92, Formerly 21Z-15.002, 61G12-15.002, 59T-15.002, Amended 10-12-97, 12-2-02, 8-11-03, 8-9-04, 2-23-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Nursing Home Administrators**

RULE NO.: 64B10-16.001  
 RULE TITLE: General Information

PURPOSE AND EFFECT: The Board proposes the rule amendment to revise forms; to add the requirement for applicant to indicate to which AIT program applicant is applying; and to clarify requirements of each AIT program.

SUMMARY: The rule amendment will revise forms; to add the requirement for applicant to indicate to which AIT program applicant is applying; and to clarify requirements of each AIT program.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 468.1685(1), 468.1695(2) FS.

LAW IMPLEMENTED: 468.1695(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: Joe Baker, Jr., Executive Director, Board of Nursing Home Administrators/MQA, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B10-16.001 General Information.

(1) No change.

(2) An applicant for the AIT program must meet those qualifications established by Section 468.1695, F. S., at the time of application, including completion of an Administrator in Training Application, form DH-MQA-NHA003 (Revised 03/2007 ~~10/2005~~) can be obtained from the Board of Nursing Home Administrators' website or the Division of Medical Quality Assurance Call Center by calling (850)488-0595. The applicant is required to indicate on form DH-MQA-NHA (Revised 03/2007) whether the applicant is applying for the AIT 1000-hour program or the AIT 2000-hour program.

(a) The applicant may qualify for the AIT 1000-hour program provided that the applicant holds a baccalaureate degree from an accredited college or university with a major in health care administration; or

(b) The applicant may qualify for the AIT 2000-hour program provided that the applicant holds a baccalaureate degree from an accredited college or university with a major in non-health care administration.

(3) through (13) No change.

Specific Authority 468.1685(1), 468.1695(2) FS. Law Implemented 468.1695(2) FS. History--New 9-24-81, Formerly 21Z-16.01, Amended 8-29-93, Formerly 61G12-16.001, Amended 6-2-96, Formerly 59T-16.001, Amended 10-12-97, 6-5-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:

Board of Nursing Home Administrators

NAME OF SUPERVISOR OR PERSON WHO APPROVED

THE PROPOSED RULE: Board of Nursing Home Administrators

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-2.011  
 RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language that will clarify that supervision is of an occupational therapist student.

SUMMARY: The rule amendment will add language that will clarify that supervision is of an occupational therapist student.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 468.204 FS.

LAW IMPLEMENTED: 468.209 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-2.011 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for in Section 468.209(1)(c), F.S., shall mean experience at an occupational therapist level occurring in a clinical setting affiliated with an educational institution in occupation therapy for a minimum of at least 6 months, with the fieldwork experience supervised by a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapist student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.209 FS. History--New 12-4-95, Amended 12-11-96, Formerly 59R-61.015, Amended 6-6-07,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007

**DEPARTMENT OF HEALTH**

**Board of Occupational Therapy**

RULE NO.: 64B11-3.010  
RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to allow a licensed occupational therapy assistant to supervise an occupational therapy assistant student.

SUMMARY: The rule amendment will allow a licensed occupational therapy assistant to supervise an occupational therapy assistant student.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 468.204 FS.

LAW IMPLEMENTED: 468.204, 468.207, 468.209(1)(c) 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: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B11-3.010 Definition of Supervised Fieldwork Experience.

The term "supervised fieldwork experience" as provided for Section 468.209(1)(c), F.S., shall mean experience at an occupational therapy assistant level occurring in a clinical setting affiliated with an educational institution in occupational therapy for a minimum of at least 2 months, with the fieldwork experience supervised by a licenses occupational therapist or by a licensed occupational therapy assistant under the supervision of a licensed occupational therapist. Supervision, for purposes of this rule, shall mean that the occupational therapy assistant student has daily direct contact at the worksite with his or her supervisor.

Specific Authority 468.204 FS. Law Implemented 468.204, 468.207, 468.209(1)(c) FS. History--New 6-6-07,\_\_\_\_\_Amended \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Occupational Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: June 25, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 20, 2007



**DEPARTMENT OF HEALTH**

**Board of Optometry**

<p>RULE NOS.:</p> <p>64B13-3.007</p> <p>64B13-3.009</p> <p>64B13-3.010</p>	<p>RULE TITLES:</p> <p>Minimum Procedures for Comprehensive Eye Examination</p> <p>False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure</p> <p>Standards of Practice</p>
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**PURPOSE AND EFFECT:** For 64B13-3.007, it is to use the terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements. For Rule 64B13-3.009, F.A.C., it is to clarify to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. For Rule 64B13-3.010, F.A.C., it is to change the rule language to track the statutory language, to delete unnecessary or repetitive language, and to clarify that optometry students include those titled extern, as well as those titled resident or intern.

**SUMMARY:** In Rule 64B13-3.007, F.A.C., the use of terms relevant to insurance submissions to ensure that licensees understand the minimum procedures in the rule relate to the associated CPT code and to add clarifying details to the minimum examination requirements are established. In Rule 64B13-3.009, F.A.C., it is clarified to licensees that each licensee has the duty to review and proof advertisements to ensure that the ads comply with the rules related to misleading advertising, regardless of what entity initiates the ad. In Rule 64B13-3.010, F.A.C., the rule language to track the statutory language is changed, unnecessary or repetitive language is deleted and it is clarified that optometry students include those titled extern, as well as those titled resident or intern.

**SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS:** 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:** 463.005 FS.

**LAW IMPLEMENTED:** 456.072(1)(a), (m), 463.005(1), 463.0135, 463.014, 463.005(1), 463.0135(1), 463.016(1)(f)(g), (k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULES IS:

64B13-3.007 Minimum Procedures for Comprehensive Eye Examination ~~Vision Analysis~~.

(1) ~~A comprehensive eye examination~~ Vision analysis is defined as a comprehensive assessment of the patient's visual status and shall include those procedures specified in subsection (2) below.

(2) ~~A comprehensive eye examination for vision analysis~~ shall include the following minimum procedures, which shall be recorded on the patient's case record:

- (a) through (e) No change.
- (f) Internal examination (~~direct or indirect ophthalmoscopy~~ recording ~~eup-dise ratio~~, optic nerve health, blood vessel status, macula health, and any abnormalities);
- (g) No change.
- (h) Tonometry (with time of measurement);
- (i) to (j) No change
- (k) Other tests and procedures that may be indicated by case history or objective signs and symptoms discovered during the comprehensive eye examination;
- (l) No change.
- (3) No change.
- (4) Except as otherwise provided in this rule, the minimum procedures set forth in subsection (2) above shall be performed prior to providing optometric care during a patient's initial presentation, and thereafter at such appropriate intervals as shall be determined by the optometrist's sound professional judgment; ~~provided~~, however, that each optometric patient shall receive a comprehensive eye examination ~~complete vision analysis~~ prior to the provision of further optometric care if the last comprehensive eye examination ~~complete vision analysis~~ was performed more than two years before.
- (5) No change.
- (a) through (f) No change.
- (6) The minimum procedures set forth in subsection (2) above shall not be required in the following circumstances:
  - (a) through (b) No change.
  - (c) When a licensed practitioner or certified optometrist performs public service visual screenings or visual screenings for governmental agencies and each recipient of such screening is clearly informed in writing of the following:
    1. No change.
    2. That the screening is not representative of or a substitute for a comprehensive eye examination ~~vision analysis~~; and
    3. No change.
  - (d) Drug therapy and contact lenses research.

(7) No change.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135, 463.016(1)(g), (k) FS. History–New 11-13-79, Amended 4-17-80, 7-29-85, Formerly 21Q-3.07, Amended 7-18-90, Formerly 21Q-3.007, 61F8-3.007, 59V-3.007, Amended 4-3-00, 4-5-04, 6-5-06,\_\_\_\_\_.

64B13-3.009 False, Fraudulent, Deceptive and Misleading Advertising Prohibited; Policy; Definitions; Affirmative Disclosure.

(1) through (3) No change.

(4) As used in the rules of this Board, the terms “advertisement” and “advertising” shall mean any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, or of selling professional services or ophthalmic goods, or offering to perform professional services, or inducing members of the public to enter into any obligation relating to such professional services. The licensed practitioner has the duty to review and proof all advertisements prior to publication, and is fully responsible for the content therein.

(5) No change.

(6) All advertisements which advertise services available at branch office locations shall state the hours that a licensed practitioner is practicing at each location mentioned in the advertisement, or shall advise the reader to secure information as to the availability of the licensed practitioner. Excepted from this requirement are:

(a) through (b) No change.

(c) Advertising such as business cards, which are distributed by the licensed practitioner personally or at her or his premises; and

(d) No change.

(7) through (8) No change.

Specific Authority 463.005 FS. Law Implemented 456.072(1)(a), (m), 463.014, 463.016(1)(f), (g) FS. History–New 11-13-79, Amended 4-17-80, 8-20-81, Formerly 21Q-3.09, Amended 1-8-86, 12-16-86, Formerly 21Q-3.009, 61F8-3.009, 59V-3.009, Amended 1-2-02, 11-13-06,\_\_\_\_\_.

64B13-3.010 Standards of Practice.

(1) Section 463.016(1)(g), Florida Statutes, authorizes the Board to take disciplinary action against an optometrist who is found guilty of “fraud, deceit, negligence, ~~or~~ incompetence, or misconduct in the practice of optometry.” Conduct which deceives, or defrauds the public and which is thereby prohibited by Section 463.016(1)(g), Florida Statutes, shall include, but not be limited to, accepting and performing an optometric practice or procedure which the optometrist knows or has reason to know that he is not competent to undertake.

(2) No change.

(3) An optometrist shall provide that degree of care which is full and complete, consistent with the patient conditions presented, the professional competency of the optometrist, and the scope of practice of optometry. An optometrist shall advise or assist her or his patient in obtaining further care when, in the professional judgment of the optometrist, the service of another health care practitioner is required.

(4) Certified optometrists employing the topical ocular pharmaceuticals listed in subsection 64B13-18.002(9), F.A.C., Anti-Glaucoma Agents, shall comply with the following:

(a) No change.

1. The plan will be predicated upon the severity of the existing optic nerve damage, ~~the height of~~ the intraocular pressure, and stability of the clinical course.

2. No change.

(b) No change.

(c) The certified optometrist shall have available, and be proficient in the use of, the following instrumentation:

1. No change.

2. Visual fields instrumentation capable of threshold perimetry, ~~combined with a threshold-related supra-threshold static technique.~~

3. through 6. No change.

(5) through (7) No change.

(8) Certified optometrists serving as adjunct professors to schools or colleges of optometry pursuant to Section 463.0057, Florida Statutes, may delegate to residents, externs or interns of said school, educational functions or duties beyond the restrictions of Section 463.009, Florida Statutes. Such delegated duties or functions shall be in accordance with Section 463.002(6), Florida Statutes. For purposes of this rule, residents, externs or interns of qualified schools or colleges of optometry are not defined as nonlicensed supportive personnel.

Specific Authority 463.005(1) FS. Law Implemented 463.005(1), 463.0135(1), 463.016(1) FS. History–New 9-16-80, Amended 12-20-82, Formerly 21Q-3.10, Amended 7-11-88, 6-18-92, 1-28-93, Formerly 21Q-3.010, Amended 3-16-94, Formerly 61F8-3.010, Amended 8-24-94, 9-21-94, 2-13-95, 12-31-95, Formerly 59V-3.010, Amended 6-15-00, 2-7-01, 11-16-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-4.001                      RULE TITLE: Examination Requirements

PURPOSE AND EFFECT: The purpose of the amendment is to delete a time limit on the validity of licensure examination scores.

SUMMARY: A time limit on the validity of licensure examination scores is deleted.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.017(2), 463.005, 463.006(2) FS.

LAW IMPLEMENTED: 456.017(2), 463.006(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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-4.001 Examination Requirements.

The examination for licensure shall consist of the National Board of Examiners in Optometry examination (hereafter NBEO examination), and Parts I and II of the state examination for licensure. The examination for certification of a licensee shall consist of the Treatment and Management of Ocular Disease (hereafter TMOD) part of the NBEO.

(1) NBEO Examination – A passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease (TMOD) of the NBEO examination ~~within the five years~~ prior to application for the state examination. ~~However, said five years period shall be extended to include those immediately preceding years after the applicant has taken and passed the NBEO and during which the applicant was continuously attending a qualified school of optometry.~~ Candidates with NBEO scores before 1993 may substitute a scaled score of at least 75 on the clinical pharmacology section of the clinical sciences part of NBEO examination for the TMOD requirement.

(2) through (3) No change.

Specific Authority 456.017(2), 463.005, 463.006(2) FS. Law Implemented 456.017(2), 463.006(2) FS. History–New 11-13-79, Amended 5-28-80, 7-10-80, 8-20-81, 2-14-82, 6-6-82, 10-3-82, 4-10-84, 5-29-85, Formerly 21Q-4.01, Amended 7-21-86, 11-20-86, 7-27-87, 7-11-88, 7-18-91, 4-14-92, Formerly 21Q-4.001, Amended 2-14-94, Formerly 61F8-4.001, Amended 8-8-94, 11-21-94, 4-21-96, Formerly 59V-4.001, Amended 7-27-99, 7-15-02, 3-8-04,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Board of Optometry**

RULE NO.: 64B13-15.009                      RULE TITLE: Citations

PURPOSE AND EFFECT: The purpose of the amendment is to increase the fine for failure to complete required continuing education and eliminate the requirement to complete additional continuing education.

SUMMARY: The fine for failure to complete required continuing education is increased and the requirement to complete additional continuing education is eliminated.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.077, 463.005 FS.

LAW IMPLEMENTED: 456.077 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: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE FULL TEXT OF THE PROPOSED RULE IS:

64B13-15.009 Citations.

(1) through (3) No change.

(4) Pursuant to Section 456.077, F.S., the Board sets forth below those violations for which there is no substantial threat to the public health, safety, and welfare.

(a) The Board hereby designates the following as citation violations which shall result in a penalty of two hundred and fifty dollars (\$250.00):

1. through 4. No change.

5. Failure to document having obtained the continuing education required by Section 463.007, F.S., and Rule Chapter 64B13-5, F.A.C. The fine shall be assessed at \$250.00 per hour of deficiency of the required continuing education. ~~In addition to paying the fine, the licensee must complete continuing education hours not documented, plus an additional hour for each hour missed. The licensee shall come into compliance within ninety (90) days after receipt of the citation.~~

6. No change.

(b) No change.

(5) No change.

Specific Authority 456.077, 463.005 FS. Law Implemented 456.077 FS. History--New 1-1-92, Formerly 21Q-15.009, 61F8-15.009, 59V-15.009, Amended 3-21-00, 4-17-01, 12-26-01, 5-1-02, 7-15-02, 6-13-04, 11-16-05, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Optometry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 27, 2007

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-3.010  
RULE TITLE: Inactive Status Fee

PURPOSE AND EFFECT: The Department of Health proposes to repeal this rule.

SUMMARY: The rule shall be repealed.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: 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: 456.036(3) FS.

LAW IMPLEMENTED: 456.036 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, 4052 Bald Cypress Way, Bin #A-06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B24-3.010 Inactive Status Fee.

Specific Authority 456.036(3) FS. Law Implemented 456.036 FS. History--New 1-26-94, Formerly 61E8-3.010, Amended 8-15-95, Formerly 59DD-3.010, Amended 12-23-97, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela King

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 1, 2007

**Section III  
Notices of Changes, Corrections and  
Withdrawals**

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-1.09401  
RULE TITLE: Student Performance Standards

**NOTICE OF CONTINUATION**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 29, July 20, 2007 Florida Administrative Weekly has been continued from August 14, 2007 to September 18, 2007.

**DEPARTMENT OF EDUCATION**

**State Board of Education**

RULE NO.: 6A-14.0914  
RULE TITLE: Dr. Philip Benjamin Matching Program for Community Colleges

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 15, April 13, 2007 issue of the Florida Administrative Weekly. The rule number has been changed from 6A-14.080 to 6A-14.0914, F.A.C.

**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**

RULE NO.: 59C-1.008  
RULE TITLE: Certificate of Need Application Procedures

**NOTICE OF CORRECTION**

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

The notice of rule development was published in the June 15, 2007, Florida Administrative Weekly. The publication date was incorrectly listed in the July 20, 2007, issue.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:                 RULE TITLE:  
59G-4.140                 Hospice Services  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 26, June 29, 2007 issue of the Florida Administrative Weekly.

These changes are in response to comments received from the Joint Administrative Procedures Committee.

59G-4.140(2). We revised the first sentence to read, “All hospice services providers enrolled in the Medicaid program must comply with the Florida Medicaid Hospice Services Coverage and Limitations Handbook, October 2003, updated January 2005, ~~and~~ January 2006, and January 2007, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, UB-04 92, incorporated by reference in Rule 59G-4.003~~460~~, F.A.C.” We have not yet filed Rule 59G-4.003, F.A.C., but we will be filing it prior to filing the rule amendment to Rule 59G-4.140, F.A.C.

The rule incorporates by reference update January 2007 to the Florida Medicaid Hospice Services Coverage and Limitations Handbook. The following changes were made to the handbook:

Page 1-1, Legal Authority. We added page 1-1 to the update; and in the second paragraph, last sentence, we corrected the state authority to read, “Chapter 400, Part IV.”

Page 1-2 Hospice Provider Qualifications. In the first paragraph, first sentence, we corrected the citation to read, “Chapter 400, Part IV.”

Page 1-2 Purpose of Handbook. In the note, last sentence, we corrected the rule reference to read, “The Florida Medicaid Provider General Handbook is incorporated by reference in Rule 59G-5.020, F.A.C.; and the Florida Medicaid Provider Reimbursement Handbook, UB-04, is incorporated by reference in Rule 59G-4.003, F.A.C.” We have not yet filed Rule 59G-4.003, , F.A.C., but we will be filing it prior to filing the rule amendment to Rule 59G-4.140, F.A.C.

Page 1-3 Health Insurance Portability and Accountability Act. In the second note, we added the handbook chapter where the information regarding claims processing is located. The corrected note reads, “For more information regarding claims

processing changes in Florida Medicaid because of HIPAA, see Chapter 1 in the Florida Medicaid Provider Reimbursement Handbook, UB-04.”

Page 1-5 Home Health Aides. In the third paragraph, we corrected the citations to read, “Home health aide duties must be performed under the supervision of a RN in accordance with Section. 400.6105, F.S., and Rule 58A-2.0141, F.A.C.”

Page 1-5 Hospice Volunteers. In the first paragraph, we corrected the citations to read, “Volunteers must complete orientation and training that is consistent with acceptable standards of hospice practice and must be supervised by a designated hospice employee in accordance with Section 400.6105, F.S., and Rule 58A-2.017, F.A.C.”

Page 2-19 Nursing Services. We corrected the citations to read, “The per diem rate includes nursing services as specified in the plan of care and provided by an RN or LPN under the supervision of a registered nurse in accordance with Section 400.6105, F.S. and Rule 58A-2.0141, F.A.C.”

Page 2-20 Hospice Physician Services. In the first paragraph, second sentence, we provided the full title for the abbreviation HCPCS so that the sentence reads, “Medicaid reimbursement for hospice physician services is limited to the Healthcare Common Procedure Coding System (HCPCS) procedure codes listed on the Hospice Physician Services Fee Schedule.”

Page 2-27 Room and Board Reimbursement for a Medicaid-Certified Bed. We clarified the policy that room and board reimbursement for hospice recipients residing in a nursing facility does not include the day of discharge from hospice, by adding, “(The hospice will be reimbursed for hospice services on the day of discharge, but not for room and board.)”

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Division of Pari-Mutuel Wagering**

RULE NO.:                 RULE TITLE:  
61D-14.021                 Complimentary Services or Items  
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 32, No. 17, April 28, 2006 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Geologists**

RULE NO.:                 RULE TITLE:  
61G16-5.004                 Application Evaluations  
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. 33, No. 11, March 16, 2007 issue of the Florida Administrative Weekly.

The change is in response to concerns of by the Joint Administrative Procedures Committee in letters dated April 4, 2007, May 23, 2007, and June 25, 2007. The changes are as follows:

The rule shall read as:

(Substantial Rewrite).

61G16-5.004 Application Evaluations.

(3) In addition, the Board has determined that an applicant is required to have at least seven (7) years of professional geological work experience.

(a) Geological experience obtained prior to meeting the educational requirements in section 2, above, is usually of a subprofessional nature. Such experience, if professional in nature and independently verified by documentation provided by the applicant shall be awarded experience credit at 25% of the actual time spent. If the experience is obtained after the completion of 15 semester hours of geological courses, experience credit shall be awarded at up to 50% of actual time spent. In no event shall the total geological experience credit allowable prior to meeting the educational requirements in subsection (2) above, exceed 12 months.

(b) Experience must be progressive on geologic projects to indicate that it is of increasing quality and requiring greater responsibility.

(c) Two (2) years of experience are credited from the completion of the course work described in subsections (2) above, and

(d) the other five(5) years of experience should constitute the application of the geologic education previously obtained.

(e) Experience should be gained under the supervision of a Professional Geologist, Professional Engineer qualified by education and experience to do the work being supervised, or "qualified geologist" as that term is defined in Section 492.102(5), Florida Statutes.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Rick Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

**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**

<b>RULE NOS.:</b>	<b>RULE TITLES:</b>
62-4.050	Procedures to Obtain Permits and Other Authorizations; Applications
62-4.052	Regulatory Program and Surveillance Fees for Wastewater Facilities or Activities Discharging to Surface Waters

**NOTICE OF PUBLIC HEARING**

The Florida Department of Environmental Protection announces a change of hearing regarding the above rule, as noticed in Vol. 33, No. 32, August 10, 2007, Florida Administrative Weekly.

DATE AND TIME: September 19, 2007, 1:00 p.m. EDT

PLACE: Bob Martinez Center, Room 609 – 2600 Blair Stone Road, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Notice of Proposed Rule as noticed in Vol. 33, No. 32, August 10, 2007 scheduled a hearing on September 3, 2007 if requested. This potential hearing date was inadvertently scheduled on a holiday. Due to this conflict, if requested, the hearing will be rescheduled at the date, time, and place shown above on the proposed amendments to increase certain NPDES Stormwater permitting and annual surveillance fees. **IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD.** The person to be contacted regarding the proposed rule is: Steven Kelly, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road, MS 2500, Tallahassee, FL 32399; (850)245-7518; Steven.Kelly@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 5 days before the workshop/meeting by contacting: Robin Babin, Florida Department of Environmental Protection, NPDES Stormwater Section, 2600 Blair Stone Road MS #2500, Tallahassee, Florida 32399; telephone (850)245-7522; email Robin.Babin@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).

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-11.001  
 RULE TITLE: Continuing Education  
 NOTICE OF WITHDRAWAL

Notice is hereby given that the above-referenced proposed Rule, as noticed in Vol. 33, No. 10, of the Florida Administrative Weekly on March 9, 2007, has been withdrawn. THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3253

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NOS.: 64E-2.007  
 RULE TITLES: Vehicle Permits  
 64E-2.008 Emergency Medical Technician  
 64E-2.009 Paramedic  
 64E-2.0094 Voluntary Inactive Certification  
 64E-2.036 Training Programs

**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. 33, No. 27, July 6, 2007 issue of the Florida Administrative Weekly.

The changes reflect comments received from the Joint Administrative Procedures Committee.

64E-2.007(5)(b)2. Reported to the ~~department~~ Bureau with sufficient information to identify the water vehicle and to document compliance with ~~(b)1., above.~~ Such report shall be updated with each license renewal.

64E-2.007(5)(c) A transport vehicle or advanced life support transport vehicle that has explicit staffing, equipment and permitting requirements under Chapter 401, F.S., statute and other rules of the department cannot fall under (a) or (b), above.

64E-2.008(1)(b) apply for and pass the Florida EMT certification examination on DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., ~~or and at~~ http://www.FLhealthsource.com,

64E-2.008(2)(b) Successfully pass the EMT certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current CPR BLS card for the professional rescuer. Prior to taking the examination, a candidate must request approval to sit for the examination, shall submit Such approval is requested by submitting DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) &

Paramedic Certification to the department ~~so as to be received by the department in accordance with the published examination application deadlines which may be obtained by contacting the department, as defined by section 64E-2.001(8), F.A.C., and pay the required fees.~~

64E-2.009(1)(b) apply for and pass Florida paramedic certification examination ~~in accordance with the published examination application deadlines located on the department's website on DH Form 1583, 8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification which is incorporated by reference in Rule 64E-2.008, F.A.C., and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or and at http://www.FLhealthsource.com; and

64E-2.009(2)(b) Successfully pass the paramedic certification examination during the current certification cycle; and complete 2 hours of HIV AIDS refresher training, in accordance with Section 381.0034, F.S.; and maintain a current ACLS card. Prior to taking the examination, a candidate must request approval to sit for the examination, shall submit Such approval is requested by submitting DH Form 1583, ~~8/07 August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification to the department ~~so as to be received by the department in accordance with the published examination application deadlines which may be obtained by contacting the department, as defined by subsection 64E-2.001(8), F.A.C., and pay the required fees.~~

64E-2.0094(2)(e)2. DH Form 1583, ~~8/07, August 05,~~ Application for Examination for Emergency Medical Technicians (EMT) & Paramedic Certification, which is incorporated by reference in Rule 64E-2.008, F.A.C.

64E-2.036(2) To be approved as an EMT Training Program, an entity shall submit a completed DH Form 1698, ~~August 07 October 05,~~ Application for Approval of an Emergency Medical Services (EMS) Technician—Basic (EMT-B) Training Program, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or at http://www.fl-ems.com and.

64E-2.036(3) To be approved as a Paramedic Training Program, an entity shall submit a completed DH Form 1698, ~~August 07 October 05,~~ Application for Approval of an Emergency Medical Services (EMS) Technician-Paramedic (EMT-P) Training Program, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C., or at http://www.fl-ems.com and.

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

RULE NO.: 69O-207.003  
 RULE TITLE: Forms Incorporated By Reference

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 18, May 4, 2007 issue of the Florida Administrative Weekly has been withdrawn.

Section IV  
Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER07-51  
RULE TITLE: Instant Game Number 713, TRIPLE DOUGH

SUMMARY: This emergency rule describes Instant Game Number 713, "TRIPLE DOUGH," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-51 Instant Game Number 713, TRIPLE DOUGH.

(1) Name of Game. Instant Game Number 713, "TRIPLE DOUGH."

(2) Price. TRIPLE DOUGH lottery tickets sell for \$2.00 per ticket.

(3) TRIPLE DOUGH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning TRIPLE DOUGH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	TRIPLE

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$3.00	\$4.00	\$5.00	\$10.00	\$15.00
TICKET	ONE	TWO	THREE	FOUR	FIVE	TEN	FIFTEEN
\$20.00	\$30.00	\$40.00	\$50.00	\$100	\$300	\$1,000	\$5,000 \$15,000
TWENTY	THIRTY	FORTY	FIFTY	ONE HUN	THR HUN	ONE THOU	FIVE THOU FTN THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS PRIZE

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a "TRIPLE" symbol in the "YOUR NUMBERS" play area shall entitle the claimant to triple the prize shown.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$3.00, \$4.00, \$5.00, \$10.00, \$15.00, \$20.00, \$30.00, \$40.00, \$50.00, \$100, \$300, \$1,000, \$5,000 and \$15,000. A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a TRIPLE DOUGH lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 713 are as follows:

GAME PLAY	WIN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2	1 IN 8.33	907,200
\$2	\$2	37.50	201,600
\$3	\$3	50.00	151,200
\$1 + (\$2 x 2)	\$5	75.00	100,800
\$2 (TRIPLE MONEYBAG)	\$6	75.00	100,800



(\$2 x 3) + \$4	\$10	150.00	50,400
\$10	\$10	150.00	50,400
\$5 (TRIPLE MONEYBAG)	\$15	75.00	100,800
\$15	\$15	150.00	50,400
\$10 (TRIPLE MONEYBAG)	\$30	180.00	42,000
\$30	\$30	900.00	8,400
\$50	\$50	300.00	25,200
\$10 x 10	\$100	9,000.00	840
(\$10 x 2) + (\$20 x 2) + \$40	\$100	9,000.00	840
(\$10 x 5) + \$50	\$100	9,000.00	840
\$100	\$100	9,000.00	840
\$100 (TRIPLE MONEYBAG)	\$300	18,000.00	420
\$300	\$300	18,000.00	420
\$100 x 10	\$1,000	180,000.00	42
\$1,000	\$1,000	180,000.00	42
\$1,000 (TRIPLE MONEYBAG)	\$3,000	540,000.00	14
\$5,000 (TRIPLE MONEYBAG)	\$15,000	3,780,000.00	2
\$15,000	\$15,000	3,780,000.00	2

(10) The estimated overall odds of winning some prize in Instant Game Number 713 are 1 in 4.22. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 713, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a TRIPLE DOUGH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for TRIPLE DOUGH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-10-07.

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: August 10, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-52  
 RULE TITLE: Instant Game Number 714, FAST CASH

SUMMARY: This emergency rule describes Instant Game Number 714, “FAST CASH,” for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-52 Instant Game Number 714, FAST CASH.

(1) Name of Game. Instant Game Number 714, “FAST CASH.”

(2) Price. FAST CASH lottery tickets sell for \$1.00 per ticket.

(3) FAST CASH lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning FAST CASH lottery ticket, the ticket must meet the applicable requirements of Rule 53ER06-4, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	
ELEVEN	TWELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EIGHTN	NINTN	HIN \$25

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN
<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	
ELEVEN	THELV	THRTN	FORTN	FIFTN	SIXTN	SVNTN	EIGHTN	NINTN	

(6) The prize symbols and prize symbol captions are as follows:


<b>TICKET</b>	<b>\$1.00</b>	<b>\$2.00</b>	<b>\$4.00</b>	<b>\$5.00</b>	<b>\$10.00</b>
TICKET	ONE	TWO	FOUR	FIVE	TEN
<b>\$20.00</b>	<b>\$25.00</b>	<b>\$50.00</b>	<b>\$100</b>	<b>\$1,000</b>	<b>\$4,000</b>
TENTY	THY FIV	FIFTY	ONE HUN	ONE THOU	FOUR THOU

(7) The legends are as follows:

WINNING      YOUR NUMBERS  
NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the prize shown for that play symbol.

(b) A ticket having a “ \$25” symbol in the “YOUR NUMBERS” play area shall entitle the claimant to a prize of \$25.

(c) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$50.00, \$100, \$1,000 and \$4,000. A claimant who is entitled to a prize of a “TICKET” shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a FAST CASH lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 714 are as follows:

GAME PLAY	WIN	ODDS OF 1 IN	NUMBER OF WINNERS IN 56 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1	10.00	1,008,000
\$1	\$1	15.00	672,000
\$2	\$2	30.00	336,000
\$4	\$4	100.00	100,800
\$1 + (\$2 x 2)	\$5	150.00	67,200
(\$1 x 3) + \$2	\$5	50.00	201,600
\$5	\$5	150.00	67,200
\$5 x 2	\$10	300.00	33,600
\$10	\$10	300.00	33,600
(\$5 x 3) + \$10	\$25	3,600.00	2,800
\$5 + (\$10 x 2)	\$25	3,600.00	2,800
\$25 (MONEYBAG)	\$25	360.00	28,000
(\$10 x 3) + \$20	\$50	18,000.00	560
\$5 + (\$10 x 2) + \$25 (MONEYBAG)	\$50	3,000.00	3,360
\$50	\$50	18,000.00	560
\$25 x 4	\$100	18,000.00	560
(\$25 x 2) + \$50	\$100	180,000.00	56
\$100	\$100	180,000.00	56
\$1,000	\$1,000	1,008,000.00	10
\$1,000 x 4	\$4,000	3,360,000.00	3
\$4,000	\$4,000	3,360,000.00	3

(10) The estimated overall odds of winning some prize in Instant Game Number 714 are 1 in 3.94. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 714, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a FAST CASH lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for FAST CASH lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 8-10-07.

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: August 10, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

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

**DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission has issued an order.

The rule waiver request received from Mr. Armando Bilancione on May 23, 2007, has been denied. Mr. Bilancione requested that the Commission waive the provision of paragraphs 11B-27.00213(4)(a), (b), F.A.C., which requires officers employed on a Temporary Employment Authorization (TEA) to wait four years from the break in service of the last TEA before being rehired on another TEA. Mr. Bilancione failed to allege facts sufficient to show that the strict application of the rule in his case would be contrary to the

principles of fairness or would result in an undue hardship to him. Notice of receipt of the rule waiver was published in the F.A.W., Vol. 33, No. 25, June 22, 2007.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission, received a petition for Emergency waiver of subsection 11B-27.002(4), F.A.C., from Brian M. Call. The Petitioner wishes to waive that portion of the rule that requires an officer candidate to complete basic recruit training, pass the relevant State Officer Certification Examination, and gain employment within four years of beginning basic recruit training.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302, telephone (850)410-7676. Comments on the petition should be sent to the above address or directed to the above telephone number.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission has issued an order.

The rule waiver request received from Ms. Cheryl Donno on July 16, 2007, has been granted. Ms. Donno requested that the Commission waive the provision of subsection 11B-27.002(4), F.A.C., which requires an officer to complete basic recruit training, pass the relevant State Officer Certification Examination, and gain employment in the appropriate discipline within four years of beginning basic recruit training. Ms. Donno alleged facts sufficient to show that the strict application of the rule in her case would be contrary to the principles of fairness and would result in an undue hardship to her by denying her continued employment.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission has issued an order.

The rule waiver request received from Ms. Karen C. Seay on July 18, 2007, has been granted. Ms. Seay requested that the Commission waive the provision of subsection 11B-27.002(4), F.A.C., which requires recruits to complete basic recruit training, pass the State Officer Certification Examination, and gain employment within four years of beginning basic recruit training. Ms. Seay alleged sufficient facts to show that the strict application of the rule in her case would be contrary to

the principles of fairness or would result in an undue hardship to her. Notice of receipt of the rule waiver was published in the F.A.W., Vol. 33, No. 31, August 3, 2007.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission has issued an order.

The rule waiver request received from Mr. Christopher C. Sloan on May 11, 2007, has been denied. Mr. Sloan requested that the Commission waive the provision of Rule 11B-30.006, F.A.C., which requires recruits to complete basic recruit training, pass the State Officer Certification Examination, and gain employment within four years of beginning basic recruit training. Mr. Sloan failed to allege facts sufficient to show that the strict application of the rule in his case would be contrary to the principles of fairness or would result in an undue hardship to him. Notice of receipt of the rule waiver was published in the F.A.W., Vol. 33, No. 25, June 22, 2007.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7676.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Criminal Justice Standards and Training Commission has issued an order.

The rule waiver request received from Ms. Patt York on July 23, 2007, has been granted. Ms. York requested that the Commission waive the provision of subsection 11B-27.002(4), F.A.C., which requires recruits to complete basic recruit training, pass the State Officer Certification Examination, and gain employment within four years of beginning basic recruit training. Ms. York alleged sufficient facts to show that the strict application of the rule in her case would be contrary to the principles of fairness or would result in an undue hardship to her. Notice of receipt of the rule waiver was published in the F.A.W., Vol. 33, No. 32, August 10, 2007.

A copy of the Order may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302-1489, or by telephoning (850)410-7676.

## BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

## WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 14, 2007, the Suwannee River Water Management District (SRWMD) has issued an order.

This Order grants Variance under Section 120.542, F.S., to Mr. Kenneth Roesch for Treasure Camp Work of the District Project (ERP06-0508). The petition for waiver was received by SRWMD on January 30, 2007. Notice of receipt of petition requesting the variance was published in F.A.W., Vol. 33, No. 10 on March 9, 2007. No public comment was received. This Order provides a variance of the SRWMD's criteria for subsection 40B-4.3030(9), F.A.C., to the zero-rise certification requirement, and paragraph 40B-4.3030(11)(b), F.A.C., to the 75-foot setback requirement within Township 12 South, Range 13 East, Section 32, Levy County. SRWMD granted the petition because the petitioner has demonstrated that the purpose of the statute underlying the rule will be met, that the petitioner would suffer economic hardship if required to comply with the rule.

A copy of the Order may be obtained by contacting: Robin Lamm, Administrative Assistant, Suwannee River Water Management District, 9225 CR 49, Live Oak, FL 32060, (386)362-1001 or 1(800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the South Florida Water Management District (SFWMD) has issued an order.

SFWMD Governing Board issued SFWMD 2007-525-DAO-ROW, to City of Lauderdale Lakes, granting a waiver under Section 120.542, Fla. Stat. The petition for waiver was received by the SFWMD on July 2, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 31, on August 3, 2007. No public comment was received. This Order provides a waiver of the application processing fee for residents adjacent to the City's linear park that currently do not possess Right of Way Occupancy Permits in connection with the proposed fence improvements to a previously authorized linear park permitted to the City of Lauderdale Lakes under Right of Way Occupancy Permit Number 12550; Section 19, Township 49 South, Range 42 East. Specifically, the Order grants a waiver of Rule 40E-6.601, F.A.C., which governs the payment of Application Processing Fees associated with the review of applications for issuance of Right of Way Occupancy Permits for utilization of Works or Lands of the District. Generally, the

Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the granting of this waiver will not significantly interfere with the District's property interests and ability to construct, operate and maintain Works and Lands of the District activities; and 2) the Order granting a waiver from the subject rule would prevent residents adjacent to the City's linear park from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6268 or by e-mail [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov).

NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the South Florida Water Management District (SFWMD) has issued an order.

SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-526-DAO-ROW), to South Florida Stadium d/b/a Dolphin Stadium. The petition for waiver was received by the SFWMD on June 5, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 25, on June 22, 2007. No public comment was received. This Order provides a waiver for the installation of temporary fencing along the top of the canal bank beginning at the Florida Turnpike westerly approximately 5700' to be used in conjunction with intermittent parking for stadium events, Section 34, Township 51 South, Range 41 East, Miami-Dade County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsections 40E-6.011(4) and (6), and paragraph 40E-6.221(2)(j), Fla. Admin. Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank and generally prohibits parking within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent South Florida Stadium from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6268, or by e-mail [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov).

NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the South Florida Water Management District (SFWMD) has issued an order.

SFWMD Governing Board issued an Order Granting Waiver under Section 120.542, Fla. Stat. (SFWMD 2007-527-DAO-ROW), to the Village of Wellington. The petition for waiver was received by the SFWMD on July 20, 2007. Notice of receipt of the petition requesting the waiver was published in the F.A.W., Vol. 33, No. 31, on August 3, 2007. No public comment was received. This Order provides a waiver for the proposed installation of 4-48" culvert connections through the south right of way of C-51 located immediately west of the Flying Cow Road Bridge in conjunction with the Village of Wellington's Pump Station No. 7, Section 36, Township 43, Range 40 East, Palm Beach County. Specifically, the Order grants a waiver from paragraph 40E-6.221(2)(j), Fla. Admin. Code, and the Basis of Review for Use or Occupancy of the Works or Lands of the District Permit Applications within the South Florida Water Management District, incorporated by reference in subsection 40E-6.091(1), Fla. Admin. Code, which governs the maximum invert elevation of culvert connections within Works or Lands of the District. Generally, the Order sets forth the basis of the Governing Board decision to grant the waiver, as follows: 1) the facilities will not significantly interfere with the SFWMD's ability to perform necessary construction, alteration, operation and maintenance activities; and 2) the Order granting a waiver from the subject rule would prevent Village of Wellington from suffering a substantial hardship.

A copy of the Order may be obtained by contacting: Juli Triola, South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406-4680, telephone number (561)682-6268, or by e-mail [jtriola@sfwmd.gov](mailto:jtriola@sfwmd.gov).

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#### **DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATIONS**

NOTICE IS HEREBY GIVEN THAT on July 23, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Carlito's Café located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees...They are requesting a variance to not use their bathroom facility in their facility due to its location to the food preparation area, but use an adjacent establishment's bathroom facilities.

A copy of the Petition may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us). 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.

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NOTICE IS HEREBY GIVEN THAT on July 10, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Di'Michelli's Italian Deli and Catering 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....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty-four (24).

A copy of the Petition may be obtained by contacting [David.Fountain@dbpr.state.fl.us](mailto:David.Fountain@dbpr.state.fl.us). 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.

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NOTICE IS HEREBY GIVEN THAT on July 24, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code, (F.A.C.) from Espresscio Caffè Express at Celebration located in Celebration. The above referenced F.A.C. state the water supply shall meet the standards provided in Chapter 64E-8, 62-550 and 62-555, F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601 F.A.C. and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

This variance request was approved August 10, 2007, and is contingent upon Petitioner using one (6) gallon or greater potable water tanks and utilizing wastewater holding tank that is at least 15% larger than the potable water holding tank. Water and wastewater holding tanks are to be emptied as often as needed to prevent a sanitary nuisance. Petitioner must have an approved supply of potable water with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours. If the menu changes or expands in any manner, the Petitioner must notify the Division in writing and this variance request will be re-evaluated. All provisos and plan review deficiencies shall be met prior to licensing. The Petitioner shall follow all applicable Administrative Rules and Federal Food and Drug Administration Food Code references. Any violation of the

variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261 Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 10, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Cold Stone Creamery #1634 located in Altamonte Springs. 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....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of eighteen (18).

This variance request was approved August 3, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed (18) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

To obtain a copy of the approved variance you may contact David.Fountain@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on July 18, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Dee's Food Service located in Largo. 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 a Mobile Food Dispensing Vehicle.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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 1, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Savannah's Southern Homestyle Cooking and Catering located in Jacksonville. The above referenced F.A.C. states that all bathrooms shall be of easy and

convenient access to both patrons and employees...They are requesting a variance to not have bathroom facilities in their facility, but use an adjacent establishment's bathroom facilities.

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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 July 24, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pine Garden Restaurant 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....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of eighteen (18).

A copy of the Petition may be obtained by contacting David.Fountain@dbpr.state.fl.us. 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 8, 2007, the Construction Industry Licensing Board has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on March 27, 2007, by Eric Schweickert, on behalf of The Energy Outlet, Inc. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 14, of the April 6, 2007, F.A.W. The Petitioner sought a waiver or variance of Rule 61G4-15.012, F.A.C. entitled "Certification of Residential Solar Water Heating Specialty Contractors," and Rule 61G4-15.021, F.A.C., entitled "Certification of Solar Contractors." Petitioner seeks a temporary waiver from working under a Residential Solar Water Heating Specialty Contractor license, as defined in Rule 61G4-15.012, F.A.C., in order to operate under a Solar Contractor license, which would allow petitioner to continue to install photovoltaic systems under Rule 61G4-15.021, F.A.C. This would be a temporary waiver until petitioner completes certification for a Solar Contractor license. The Board considered the instant Petition at a duly-noticed public meeting, held May 11, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute, Section 489.105, Florida Statutes, would be met by granting a variance or waiver from Rules 61G4-15.012 and 61G4-15.021, F.A.C. The Board further found that Petitioner had failed to establish that applying the requirements of the aforementioned Rules to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: G.W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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**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."

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NOTICE IS HEREBY GIVEN THAT on July 31, 2007, the Department of Environmental Protection, Storage Tank Regulation Section, received a petition for a temporary waiver under Section 120.542, Florida Statutes, from the requirement that underground piping installed after June 30, 1992 have secondary containment under subparagraph 62-761.500(8)(e)1., Florida Administrative Code. Florida Citrus Center, Inc (Petitioner), requests to be allowed to operate failed double-walled piping until October 31, 2008, and perform pressure tests every 30 days to demonstrate the piping system is tight. The petition has been assigned OGC # 07-1436.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Storage Tank Regulation Section, Mail Station 4525, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, Attn: John Svec, telephone (850)245-8845.

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**DEPARTMENT OF HEALTH**

NOTICE OF AMENDMENT – The Board of Clinical Laboratory Personnel hereby gives notice that it has received an amended petition for variance or waiver filed with the Office of the Deputy Clerk on August 3, 2007, from Petitioner Karen Lowe, who seeks a variance from subsection 64B3-5.002(5), Florida Administrative Code, with respect to the educational requirements for supervisors. Comments on the petition should be filed with the Board of Clinical Laboratory Personnel, 4052 Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257, within 14 days of publication of this notice.

Copies of the petition may be obtained by written request from: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, at the above address.

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NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Board of Dentistry, received a petition for a waiver or variance of subsection 64B5-2.0146(2), F.A.C., by Dania Tamimi, B.D.S., D.M.S.C., with respect to the following licensure requirement: that each applicant for a Florida dental license successfully completes supplemental remedial education to the level of a graduating senior.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, or telephone (850)245-4474.

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NOTICE IS HEREBY GIVEN THAT on August 10, 2007, the Board of Physical Therapy Practice, received a petition for Alexandra Ann Zephirin, seeking a variance or waiver of Rule 64B17-3.003, F.A.C., which requires that an applicant who has failed to pass the National Physical Therapy Examination for Physical Therapists by or on the fifth attempt, regardless of the jurisdiction through which the examination is taken, is precluded from licensure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, or by telephone at (850)245-4373, ext. 3480. Comments on this petition should be filed with the Board of Physical Therapy Practice within 14 days of publication of this notice.

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**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

NOTICE IS HEREBY GIVEN THAT on July 20, 2007, the Department of Children and Family Services, received a petition for Waiver of Rule 65A-1.7141, and subsection 65A-1.701(23), F.A.C., assigned Case No. 07-012W, from Daniel Cretul. The rules in question address the treatment of alimony payments in the computation of income to determine patient responsibility in the Medicaid Institutional Care Program.

A copy of the Petition may be obtained by writing: Office of the Agency Clerk, Department of Children Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

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NOTICE IS HEREBY GIVEN THAT on August 10, 2007, the Department of Children and Families has issued an order.

The Department of Children and Family Services granted a request for Waiver of subsection 65C-14.055(3), F.A.C., to CDS Family and Behavioral Health Services, Inc. and Pamela Purnell and the basis for decision is that petitioner demonstrated knowledge, skills and abilities that the rule is intended to ensure covered staff possess.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg., 2, Room 204, Tallahassee, FL 32399-0700.

**FLORIDA HOUSING FINANCE CORPORATION**

NOTICE IS HEREBY GIVEN THAT on August 3, 2007, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsections 67-21.006(2), 67-48.002(96), paragraph 67-48.004(1), (2), (9), F.A.C., and the Universal Application Part III.A, Florida Administrative Code from CEC Timber Trace. ("Petition"). The Petition is seeking a waiver of a change in application requirements regarding the 5-unit requirement.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing 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., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT on August 7, 2007, the Department of Financial Services, Division of State Fire Marshal, received a petition for a waiver or variance of subsection 69A-3.012(1), F.A.C., that adopts Section 2.3.2.3.3 of NFPA 30, filed by Robert D. Fingar, Esq, on behalf of Combs Oil Company, with respect to the following boiler requirement: Where a secondary containment tank is used to provide spill control, the tank shall not exceed 12,000 gal (45,420 L).

A copy of the Petition for Variance or Waiver may be obtained by contacting Lesley Mendelson, Assistant General Counsel at (850)413-3640.

**Section VI**

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

**DEPARTMENT OF STATE**

The **Friends of Mission San Luis, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 17, 2007, 9:00 a.m. – 12:00 Noon

PLACE: SunTrust Boardroom, Main Office, 3522 Thomasville Road, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business to be discussed will include fundraising, endowment activities and other board business.

If you have questions or would like a copy of the agenda, please feel free to contact Ms. Elyse Cornelison at (850)487-1666.

The **Southeast Florida Preservation Advisory Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2007, 11:00 a.m.

PLACE: Punta Gorda Woman’s Club, 115 Sullivan Street, Punta Gorda, Florida 33950-3624

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by writing to: Southeast Florida Regional Preservation Office, Florida Division of Historical Resources, FDOS, 71 N. W. Federal Hwy., Boca Raton, Florida 33432.

Should any person wish to appeal any decision made with respect to the above referenced meeting, s/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 agency at least 48 hours prior to the meeting in order to request any special assistance at (561)416-2115.

**DEPARTMENT OF LEGAL AFFAIRS**

The **Florida Commission on the Status of Women** announces a telephone conference call to which all persons are invited.

DATE AND TIME: August 30, 2007, 11:00 a.m.

PLACE: Please call (850)414-3300 for instructions on participation

GENERAL SUBJECT MATTER TO BE CONSIDERED: Bylaws Committee.

NOTE: In the absence of quorum, items on this agenda will be discussed as workshop, and notes will be recorded although no formal action will be taken. If you have any questions, please call (850)414-3300.

A copy of the agenda may be obtained by contacting: Florida Commission on the Status of Women at the Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050 PHONE: (850)414-3300, Fax (850)921-4131.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131. 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: Florida Commission on the Status of Women, Office of the Attorney General, The Capitol, Tallahassee, FL 32399-1050, (850)414-3300, Fax (850)921-4131.

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following sub-committee telephone conference meetings which all persons are invited to attend. The dates, times, and telephone conference numbers are as follows:

Subcommittee on Improving Educational Outcomes

DATE AND TIME: September 7, 2007, 11:00 a.m. – 1:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Foster Care and Families Issues

DATE AND TIME: September 11, 2007, 11:30 a.m. – 12:30 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Economic Outcomes

DATE AND TIME: September 11, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Legislative Review Subcommittee

DATE AND TIME: September 13, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee on Improving Health Status

DATE AND TIME: September 21, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

Subcommittee Chairpersons Annual Report Meeting

DATE AND TIME: September 25, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 5414291059

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Fredrica Doctor, Research and Training Specialist, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to

the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. 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, contact the Bureau of Criminal Justice Programs at (850)414-3300.

## DEPARTMENT OF EDUCATION

The **Education Commissioner Jeanine Blomberg** announces the fall adoption meetings of the State Instructional Materials Committees. The Committees will evaluate instructional materials that were submitted for consideration by publishers in June of 2007 and will recommend titles to be placed on the state-adopted list of instructional materials for use by public schools beginning with the 2007-2008 school year. The subject areas, meeting dates and locations are as follows.

DATES AND TIME: September 18-20, 2007, 8:30 am.

K-3 Supplemental Reading Intervention Programs

K-8 Supplemental Reading Intervention Programs

K-12 Supplemental Reading Intervention Programs

PLACE: Hyatt Regency, Jacksonville-Riverfront, 225 East Coast Line Drive, Jacksonville, FL

September 25-27, 2007, 8:30 a.m.

K-3 Supplemental Reading Intervention Programs

K-8 Supplemental Reading Intervention Programs

K-12 Supplemental Reading Intervention Programs

PLACE: Hyatt Regency, Jacksonville-Riverfront, 225 East Coast Line Drive, Jacksonville, FL

DATE AND TIME: October 9-11, 2007, 8:30 a.m.

4-12 Comprehensive Intervention Reading Programs

PLACE: Holiday Inn Select, Orlando International Airport, 5750 T. G. Lee Boulevard, Orlando, Florida

DATE AND TIME: October 23-25, 2007, 8:30 a.m.

K-8 Comprehensive Intervention Reading Programs

6-8 Developmental Reading Programs

PLACE: Holiday Inn Select, Orlando International Airport, 5750 T. G. Lee Boulevard, Orlando, Florida

DATES AND TIME: November 7-8, 2007, 8:30 a.m.

K-5(6) Comprehensive Core Reading Programs

PLACE: Park Plaza Hotel, 415 North Monroe Street, Tallahassee, FL

The meetings are open to the public. Copies of the agenda and committee rosters, and further information about the meetings may be obtained by contacting the Department of Education's Instructional Materials Office at (850)245-0425.

The **Education Practices Commission** announces a hearing to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: August 31, 2007, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Hampton Inn & Suites, 3388 Lonnbladh Road, Tallahassee, Florida 32308, (850)574-4900

**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.

A copy of the agenda may be obtained by contacting the Education Practices Commission.

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.

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 Kathleen M. Richards at (850)245-0455. 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).

Additional information may be obtained by writing to: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

**The Florida Community College at Jacksonville District,** Board of Trustees announces the following meetings to which the public is invited.

#### STRATEGIC CONVERSATION

**DATE AND TIME:** September 4, 2007, 12:00 Noon – 2:00 p.m.

**PLACE:** Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, Florida 32202

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Major Technology Issues.

#### REGULAR MONTHLY BOARD MEETING

**DATE AND TIME:** September 4, 2007, 2:00 p.m. – 3:00 p.m.

**PLACE:** Donald T. Martin Center for College Services, Boardroom 451, 501 West State Street, Jacksonville, Florida 32202

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Regular meeting.

#### DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING

**DATE AND TIME:** September 4, 2007, 3:00 p.m. – 5:00 p.m.

**PLACE:** Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** College operational matters.

Copies of the agenda for the regular monthly Board meeting will be available for inspection on and after Tuesday, August 28, 2007, and copies will be provided upon written request and

the payment of approved duplicating charges. Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before September 4, 2007. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made. Through the months of September and October 2007, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate. FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college. If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

#### DEPARTMENT OF LAW ENFORCEMENT

The Florida **Department of Law Enforcement announces a Criminal Justice Standards and Training** Conference Call Commission meeting to which all persons are invited.

**DATE AND TIME:** September 5, 2007, 2:00 p.m.

**PLACE:** FDLE/CJPP, 2331 Phillips Road, Tallahassee, Florida 32308 in the Criminal Justice Professionalism Program Conference Room. The conference call number to call is (850)245-5766 and Suncom 205-5766. Please call 5 minutes prior to the conference call beginning.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To take Commission action on a Petition for Variance or Waiver of subsection 11B-27.002(4), F.A.C., for Brian Call.

**A COPY OF THE AGENDA MAY BE OBTAINED BY CONTACTING:** Donna Hunt at: Phone Number: (850)410-8615; or E-mail address: donnahunt@fdle.state.fl.us; or Address: Write to FDLE, CJPP, Post Office Box 1489, Tallahassee, FL. 32302

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 Donna Hunt at (850)410-8615 or E-mail at donnahunt@fdle.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).

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.

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#### DEPARTMENT OF TRANSPORTATION

The **Department of Transportation**, Turnpike Enterprise announces a hearing to which all persons are invited.

DATE AND TIMES: September 20, 2007, Open House: 5:30 p.m. – 6:30 p.m.; Formal Presentation: 6:30 p.m.

PLACE: PGA National Resort and Spa, 400 Avenue of the Champions, Palm Beach Gardens, Florida 33418

#### GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to view the maps and material on display and to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project Identification Number: 406143, otherwise known as Widening of Florida's Turnpike from North of Lake Worth Road to North of Jupiter/Indiantown Road, Project Development and Environment Study.

In the event that severe weather or other unforeseen conditions cause the hearing to be postponed, it will be held on the alternative date of October 2, 2007.

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: Mr. Tom Percival, Environmental Management Office Manager, Florida's Turnpike Enterprise by calling (954)975-4855, extension 3013, or by writing to Mr. Percival at Florida's Turnpike Enterprise, P. O. Box 613069, Ocoee, Florida 34761-3069, or by e-mail at tom.percival@dot.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).

For more information, you may contact: Mr. Tom Percival, Environmental Management Office Manager, by calling (954)975-4855, extension 3013, or by e-mail at tom.percival@dot.state.fl.us.

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**NOTICE OF CHANGE – The Florida Seaport Transportation and Economic Development Council**, Project Review Group teleconference has been changed from August 20, 2007, 1:30 p.m. to:

DATE AND TIME: Friday, August 27, 2007, 1:30 p.m.

PLACE: Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301. Toll Free Call In Number: (877)540-9892; Participant Code: 833035.

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** General business information on the meeting may be obtained by contacting Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 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 proceedings, and for such purpose that person may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

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.

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#### 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."

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The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: August 31, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Conference Room A, 3900 Commonwealth Boulevard, Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Discuss adjusting the formula for calculating the fees required to use sovereignty submerged land in Chapter 18-21, F.A.C. in response to the June 12, 2007 Governor and Cabinet meeting.

A copy of the agenda may be obtained by contacting: Vicki Thompson, Division of State Lands, 3800 Commonwealth Blvd., MS 130, Tallahassee, Florida 32399 or by calling (850)245-2688.

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 Vicki Thompson at (850)245-2688. 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).

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The **Board of Directors of Babcock Ranch, Inc.** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 10:00 a.m. – 4:00 p.m.

PLACE: Edison College, Room # SA 117, Charlotte Room, Charlotte Campus, 26300 Airport Rd., Punta Gorda, FL 33950

GENERAL SUBJECT MATTER TO BE CONSIDERED: Approval of minutes, Chairman's Report, Treasure's Report, Discussion of Babcock Ranch Management Plan, Babcock Ranch business report, Legislative Report, new business, public comments, adjournment.

A copy of the agenda may be obtained by contacting: Katherine Goletz, Division of State Lands, Director's Office, 3900 Commonwealth Blvd., MS 100, Tallahassee FL 32399-3000, (850)245-2555, Katherine.Goletz@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 2 days before the workshop/meeting by contacting: Katherine Goletz at address above. 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).

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The Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, as staff to the **Board of Trustees of the Internal Improvement Trust Fund**, announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 1:00 p.m.

PLACE: Edgewater Public Library, 103 Indian River Blvd., Edgewater, FL 32132

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is for members of the Advisory Committee to discuss the revision of the Mosquito Lagoon Aquatic Preserve Management Plan.

A copy of the agenda may be obtained by contacting Dianne Bradley at (321)634-6148.

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 Dianne Bradley at (321)634-6148. 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).

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The Department of Environmental Protection, Office of Coastal and Aquatic Managed Areas, acting as staff to the **Board of Trustees of the Internal Improvement Trust Fund** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 26, 2007, 6:00 p.m.

PLACE: University of Florida's Whitney Laboratory for Marine Bioscience, Whitney Hall, 9505 Ocean Shore Blvd., St. Augustine, FL

DATE AND TIME: Thursday, September 27, 2007, 6:00 p.m.

PLACE: Guana Tolomato Matanzas National Estuarine Research Reserve (GTM Reserve), Environmental Education Center, 505 Guana River Road, Ponte Vedra Beach, FL 32082

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public meeting is to receive public comment on the draft GTM Reserve Management Plan.

A copy of the draft plan will be available for viewing starting August 29, 2007, at [www.FloridaCoasts.org](http://www.FloridaCoasts.org). The GTM Reserve Management Advisory Group will be participating. This meeting was originally noticed in the August 17th edition of the F.A.W.; however, that notice did not reflect that the purpose of the meeting is to receive public comment on the draft plan and did not advise of the availability of the draft plan.

A copy of the agenda may be obtained by contacting Annette Odom at (904)823-4500.

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 Annette Odom at (904)823-4500. 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).

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#### STATE BOARD OF ADMINISTRATION

The **State Board of Administration** (SBA) announces a public meeting of the Investment Advisory Council (IAC) to which all persons are invited.

DATE AND TIME: Thursday, September 13, 2007, 9:30 a.m.

PLACE: The Hermitage Centre, 1801 Hermitage Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regularly scheduled quarterly meeting of the Investment Advisory Council. The IAC is a six-member advisory council, which reviews the investments made by the staff of the State Board of Administration and makes recommendations to the board regarding investment policy, strategy, and procedures. The IAC operates under Section 215.444, Florida Statutes.

If you would like to have a copy of the agenda, please contact Diane Bruce, State Board of Administration of Florida, 1801 Hermitage Blvd., Suite 100, Tallahassee, FL 32308, or call (850)413-1253.

In compliance with the Americans with Disabilities Act, anyone needing special accommodations to attend the meeting is requested to call James Linn, (850)413-1166, five days prior to the meeting so that appropriate arrangements can be made.

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#### FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450

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 contacting: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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 five days before the workshop/meeting by contacting: Florida Parole Commission, 2601, Blair Stone Road, Tallahassee, Florida 32399-2450, (850)488-3417. 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: Florida Parole Commission, 2601 Blair Stone Road, Bldg. C, Tallahassee, Florida 32399-2450.

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## PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Docket No. 070126-TL – Petition for relief from carrier-of-last-resort (COLR) obligations pursuant to Section 364.025(6)(d), F.S., for Villages of Avalon, Phase II, in Hernando County, by BellSouth Telecommunications, Inc. d/b/a AT&T Florida. The hearing will permit parties to present testimony and exhibits relative to the petition and for such other purposes as the Commission may deem appropriate. All witnesses shall be subject to cross-examination at the conclusion of their testimony on the issues identified by the parties at the prehearing conference held on August 20, 2007.

If settlement of the case or a named storm or other disaster requires cancellation of the proceedings, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation 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 at (850)413-6199. 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: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, or by telephone at (850)413-6770. 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: Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, FL 32399, or by telephone at (850)413-6770.

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The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: September 11, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cresse Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Office of Commission Clerk at (850)413-6770 or writing to: Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.florida.psc.com>, at no charge.

Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida

Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

**DATE AND TIME:** September 11, 2007, Immediately following the Commission Conference which commences at 9:30 a.m. in Joseph P. Cresse Hearing Room 148.

**PLACE:** Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting the Office of Commission Clerk, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

In accordance with the Americans with Disabilities Act, persons needing a special accommodation at this conference should contact the Office of Commission Clerk no later than 48 hours prior to the conference at (850)413-6770 or via 1(800)955-8770 (Voice) or 1(800)955-8771 (TDD) Florida Relay Service. Assistive Listening Devices are available at the Office of Commission Clerk, Betty Easley Conference Center, Room 110.

\*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces a prehearing conference and a hearing in the following Docket No. 070467-EI – Petition to determine need for Polk Unit 6 electrical power plant, by Tampa Electric Company to which all persons are invited.

#### PREHEARING CONFERENCE

**DATE AND TIME:** Monday, September 24, 2007, 1:30 p.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

#### HEARING

**DATES AND TIME:** Wednesday-Thursday, October 10-11, 2007, 9:30 a.m.

**PLACE:** Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The purpose of this hearing is for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for Tampa Electric Company's (TECO) proposed electrical power plant to be constructed in Polk County, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow TECO to present evidence and testimony in support of its petition for a determination of need for its proposed electrical power plant; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on Wednesday, October 10, 2007. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the electrical power plant will be heard at the October 10-11, 2007, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed power plant, as required by the "Power Plant Siting Act," Sections 403.501-.519, Florida Statutes.

Any person requiring some accommodation at the prehearing conference or hearing because of a physical impairment should call the Office of Commission Clerk, (850)413-6770 at least 48 hours prior to the particular event. If you are hearing or speech impaired, please contact the Florida Public Service Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

#### EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Drug Control** announces a public meeting to which all persons are invited.

**DATE AND TIME:** August 31, 2007, 9:00 a.m. – 12:00 Noon

**PLACE:** Room 2103, The Capitol, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Suicide Prevention.

A copy of the agenda may be obtained by contacting Erin MacInnes at (850)922-0498.

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 1 day before the workshop/meeting by contacting Erin MacInnes at (850)922-0498. 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 Erin MacInnes at (850)922-0498.

The **Florida Faith-Based and Community Based Advisory Council**, Disaster Subcommittee announces a public call meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE AND TIME: Monday, September 10, 2007, 3:00 p.m.

PLACE: Conference Call 1(888)808-6959, when prompted dial Pass Code 4130909; Leaders: Jody Hill and Sheila Hopkins, Co-Chairs. For a copy of the agenda and more information about how to attend the meeting contact Suzanne Yack at Suzanne.yack@vffund.org or (904)755-7740.

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this meeting, the Subcommittee will discuss the latest updates with statewide disaster recovery, as well as discuss other pending issues.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to participate in this meeting in order to request any needed special assistance should contact jennie.hopkins@myflorida.com at least 48 hours in advance of the meeting.

## REGIONAL PLANNING COUNCILS

The **Northeast Florida Regional Council** announces a workshop to which all persons are invited.

DATE AND TIME: Friday, August 30, 2007, 9:00 a.m.

PLACE: Flagler County BOCC, Government Services Bldg., 1769 E. Moody Blvd., Bunnell, Florida 32110

GENERAL SUBJECT MATTER TO BE CONSIDERED: Capital Improvements Element (CIE) training and technical support.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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 Sheron Forde at (904)279-0880. 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 Sheron Forde or Ed Lehman at (904)279-0880.

The **Northeast Florida Regional Council** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, August 29, 2007, 9:00 a.m.

PLACE: FCCJ Deerwood Campus, 9911 Baymeadows, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: Capital Improvements Element (CIE) training and technical support.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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 Sheron Forde at (904)279-0880. 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 Sheron Forde or Ed Lehman at (904)279-0880.

The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 8:30 a.m.

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pending Planning and Growth Management Issues.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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 Angela Giles at (904)279-0880. 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 **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 9:00 a.m.

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Pending Personnel, Budget & Finance Issues.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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 Angela Giles at (904)279-0880. 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).

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The **Northeast Florida Regional Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 10:00 a.m.

PLACE: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Monthly Meeting.

A copy of the agenda may be obtained by contacting: NEFRC, 6850 Belfort Oaks Place, Jacksonville, Florida 32216.

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 3 days before the workshop/meeting by contacting Angela Giles, Executive Assistant at (904)279-0880. 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).

Notice is also given that two or more members of the Boards of County Commissioners, City/Town Councils/Commissions and other entities covered under Chapter 286, Florida Statutes, may attend and speak at the meeting.

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The **Gold Coast Clean Cities Coalition** announces a public meeting to which all persons are invited.

DATE AND TIME: August 21, 2007, 10:00 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss ongoing regional alternative fuel initiatives, training and planning activities for the South Florida Gold Coast Region.

A copy of the agenda may be obtained by contacting: the Gold Coast Clean Cities Coalition, c/o South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140,

Hollywood, FL 33021, via email request to Larry Allen (lallen@sfrpc.com), or by calling (954)985-4416 in Broward, Suncom 473-4416 or 1(800)985-4416 toll-free statewide.

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 calling (954)985-4416. 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: Gold Coast Clean Cities Coalition, c/o South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, or call (954)985-4416.

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The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 21, 2007, 9:30 a.m.

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting Liz Gulick at (772)221-4060.

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 48 hours 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).

For more information, you may contact Liz Gulick at (772)221-4060.

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### COMMISSION ON ETHICS

The Florida **Commission on Ethics** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 7, 2007, 8:30 a.m.

PLACE: Senate Office Building, Room 37, 404 South Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by contacting: Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709.



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 48 hours before the workshop/meeting by contacting Commission on Ethics at (850)488-7864. 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).

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### WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a Public Hearing to which all persons are invited. The Hearing is scheduled for:

MEETING: Public Hearing to approve amendments to the District's 2007 updated, Florida Forever Work Plan

DATE AND TIME: Tuesday, September 11, 2007, 1:00 p.m.

PLACE: District Headquarters, 4049 Reid Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public testimony concerning proposed amendments to the District's Florida Forever Work Plan.

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

Anyone requiring special accommodations to participate in this meeting is requested to advise the District at least 5 work days before the meeting by contacting District Clerk at (386)329-4500 or (386)329-4450 (TDD).

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The **St. Johns River Water Management District** announces a hearing to which all persons are invited.

Public Hearing on the Final Millage Rate and Budget for FY2007-2008

DATE AND TIME: Tuesday, September 25, 2007, 5:05 p.m.

PLACE: District Headquarters, 4049 Reid St. (Hwy 100 West), Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official presentation of the final FY2007-2008 millage rate and budget and opportunity to receive public comment prior to consideration and adoption by the Governing Board. NOTE: One or more Governing Board members may attend and participate in the meeting by means of communications media technology.

A copy of the agenda may be obtained by contacting Vicki Kroger, Office of Budget and Management Reporting, (386)329-4217 for copy of the Tentative Budget.

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 48 hours before the workshop/meeting by contacting District Clerk at (386)329-4500. 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).

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The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 4, 2007, 3:30 p.m.

PLACE: Southwest Florida Water Management District, Governing Board Room, 2379 Broad Street, Brooksville, Florida 34604

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss task force business for the Hernando County Task Force of the Citrus/Hernando Waterways Restoration Council. Hernando County residents are encouraged to attend and provide suggestions for restoration projects to enhance fish and wildlife habitat. Advertisement Order No. 8248

A copy of the agenda may be obtained by contacting: Southwest Florida Water Management District, 2379 Broad Street, Brooksville, Florida 34604, (352)796-7211 or 1(800)423-1476 (Florida only), extension 4227.

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 1(800)423-1476 (Florida), or (352)796-7211, extension 4226, Fax (352)797-5806, TDD ONLY 1(800)231-6103 (Florida). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Water Resources Advisory Commission (WRAC)** announces a public meeting to which all persons are invited.

DATE AND TIME: September 6, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: The Naples Beach Hotel and Golf Club, 851 Gulf Shore Boulevard North, Naples, FL

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** A Public Meeting of the Water Resources Advisory Commission (WRAC) regarding water resource protection, water supply and flood protection issues. The public is advised that it is possible that one or more members of the Governing Board of the South Florida Water Management District may attend and participate in this meeting.

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>.

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 District's Clerk Office, Jacki McGorty at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**COMMISSION FOR THE TRANSPORTATION DISADVANTAGED**

The **Commission for the Transportation Disadvantaged** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Wednesday, August 29, 2007, 10:00 a.m. – until completion

**PLACE:** Doubletree Hotel, 101 South Adams Street, Tallahassee, FL 32301, (850)224-5000

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** To address the Agency for Health Care Administration Non-Emergency Medicaid Transportation Services.

A copy of the agenda may be obtained by contacting Nikki Smith, Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399-0450, (850)410-5700 or 1(800)983-2435.

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: Nikki Smith Commission for the Transportation Disadvantaged, 605 Suwannee Street, MS 49, Tallahassee, FL 32399, (850)410-5700 or 1(800)983-2435. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**REGIONAL UTILITY AUTHORITIES**

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, September 5, 2007, 9:30 a.m.  
**PLACE:** Sarasota County Administration Center, 1660 Ringling Boulevard, Sarasota, 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 to: Peace River/Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202.

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.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

**DATE AND TIME:** Tuesday, October 9, 2007, 8:30 a.m. – 3:30 p.m.

**PLACE:** Agency for Health Care Administration, Fort Knox Office Complex, 2727 Mahan Drive, Building 3 (Conference Room A), Tallahassee, Florida 32308

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** The Agency for Health Care Administration in coordination with First Health Services of Florida, Inc. and the Department of Elder Affairs, Comprehensive Assessment and Review for Long Term Care Services (CARES) is hosting a training for all interested parties to discuss upcoming changes to the Florida Medicaid program that will allow any qualified provider licensed as either a private free-standing psychiatric hospital or public mental health hospital to apply to be a Medicaid psychiatric hospital inpatient service provider for persons aged sixty-five (65) and older in Institutions for Mental Disease (IMD), and the new prior authorization requirements for this service.

A copy of the agenda may be obtained by contacting Allison Carver (850)414-6249 or Shevaun Harris at (850)487-2618.

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 Allison Carver at (850)414-6249 or Shevaun Harris at (850)487-2618. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, October 11, 2007, 8:30 a.m. – 3:30 p.m.

PLACE: The Louis de la Parte Florida Mental Health Institute, University of South Florida, Westside ABC Conference Room, 13301 Bruce B. Downs Blvd., Tampa, FL 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration, in coordination with First Health Services of Florida, Inc. and the Department of Elder Affairs, Comprehensive Assessment and Review for Long Term Care Services (CARES) is hosting a training for all interested parties to discuss upcoming changes to the Florida Medicaid program that will allow any qualified provider licensed as either a private free-standing psychiatric hospital or public mental health hospital to apply to be a Medicaid psychiatric hospital inpatient service provider for persons aged sixty-five (65) and older in Institutions for Mental Disease (IMD), and the new prior authorization requirements for this service.

A copy of the agenda may be obtained by contacting Allison Carver at (850)414-6249 or Shevaun Harris at (850)487-2618.

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 Allison Carver at (850)414-6249 or Shevaun Harris at (850)487-2618. 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).

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#### DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: August 30, 2007, 10:00 a.m.

PLACE: The Capitol Building, Cabinet Room LL03, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Council on Efficient Government Meeting.

A copy of the agenda may be obtained by contacting Amy Houston at (850)414-9200.

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 Amy Houston. 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).

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The Florida **Department of Management Services** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2007, 9:00 a.m. – 12:00 Noon

PLACE: 4050 Esplanade Way, Room 101, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Review and Approval of Local Steering Committee Members.
2. Community Health Charities lawsuit and re-visit issues on direct services determinations.

A copy of the agenda may be obtained by contacting: Erin Thoresen, Department of Management Services, 4050 Esplanade Way, Suite 235, Tallahassee, FL 32399-0950, (850)922-1274.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting. 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 Ms. Thoresen, as listed above.

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#### DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Department of Business and Professional Regulation** announces a workshop on Rules 61A-1.010, Approved Advertising and Promotional Gifts; 61A-1.0101, Product Displays; 61A-1.01010, Premium Offers; 61A-1.01011, Sweepstakes, Drawings, or Contests; 61A-1.01012, Vendor's Property Included in Contests or Sweepstakes; 61A-1.01013, Vendor-Sponsored Tournaments; 61A-1.01014, Gifts to Those Who Are Not Licensed Vendors; 61A-1.01015, Private Labels; 61A-1.01016, Shelf Plans and Schematics of Shelf Plans; 61A-1.01017, Educational Seminars; 61A-1.01018, Trade Shows and Conventions; 61A-1.01019, Proof of Insurance Coverage; 61A-1.01002, Point of Sale Advertising Items; 61A-1.01020, Draft Cleaning; 61A-1.01021, Returns of Damaged Products; 61A-1.01022, Returns of Undamaged Products; 61A-1.01023, Warehousing; 61A-1.01024, Split Cases; 61A-1.01025, Rebates; 61A-1.0103, Consumer Advertising Specialty Items; 61A-1.0104, Alcoholic Beverage Samples; 61A-1.0105, Brand Images; 61A-1.0106, Advertisements; 61A-1.0107, Inside Signs Advertising Brands; 61A-1.0108, Combination Packages; 61A-1.0109, Point of Sale Coupons, F.A.C., to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m. – 5:00 p.m.

PLACE: Northwood Centre, Professions Boardroom, 1940 N. Monroe St., Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regulation of approved advertising and promotional gifts.

A copy of the agenda may be obtained by contacting: DeeAnna Owens, Administrative Assistant, Department of Business and Professional Regulation, 1940 N. Monroe St., Ste. 40, Tallahassee, Florida 32399, (850)414-8125.

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: DeeAnna Owens, Administrative Assistant, Department of Business and Professional Regulation, 1940 N. Monroe St., Ste. 40, Tallahassee, Florida 32399, (850)414-8125. 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: DeeAnna Owens, Administrative Assistant, Department of Business and Professional Regulation, 1940 N. Monroe St., Ste. 40, Tallahassee, Florida 32399, (850)414-8125.

The **Board of Auctioneers** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m.

PLACE: Grosvenor Resort in the WDW Resort, 1850 Hotel Plaza Boulevard, Lake Buena Vista, Florida 32830-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting the Board of Auctioneers at (850)922-5012.

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. 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 the Board of Auctioneers at (850)922-5012.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting at which all interested persons are invited.

DATE AND TIMES: August 28, 2007, 9:00 a.m. and 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 in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: April Hammonds, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, 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 Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: Monday, September 10, 2007, 9:00 a.m. or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: Zora Neale Hurston Building, North Tower, Suite N901, 400 West Robinson Street, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of the Board members or its counsel.

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**, Orange Creek Basin, Total Maximum Daily Load (TMDL) Working Group announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 6, 2007, 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. Topics for this meeting include continued development of the Orange Creek Basin Management Action Plan and list of water quality improvement projects that address TMDLs in the basin.

A copy of the agenda may be obtained by contacting: Ms. 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: Ms. 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. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The Florida **Department of Environmental Protection** announces a public meeting on Rules 62-709.300, General Provisions; 62-709.320, Yard Trash Processing Facilities; 62-709.500, Design Criteria; 62-709.510, Operation Criteria; 62-709.530, Testing, Recording and Reporting Requirements; 62-709.550, Classification of Compost; 62-709.600, Criteria for the Use of Compost, F.A.C., to which all persons are invited.

**DATE AND TIME:** Wednesday, September 12, 2007, 9:30 a.m. – 3:30 p.m.

**PLACE:** Department of Environmental Protection Southwest District Office, 13051 North Telecom Parkway, Temple Terrace, Florida 33637

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** This is a public meeting of a Technical Advisory Group that will advise the Department on possible changes to the compost rule, Chapter 62-709, Florida Administrative Code. The purpose of this meeting will be to review and develop rule language requiring registrations or general permits for compost facilities using yard trash, manure and vegetative food wastes as feedstocks to their processes. The rule language changes will also address proper operation of these facilities and any necessary testing requirements.

A copy of the agenda may be obtained by contacting: Richard Tedder, 2600 Blair Stone Road, MS 4565, Tallahassee, Florida 32399-2400, (850)245-8735 or by visiting [http://www.dep.state.fl.us/waste/categories/solid\\_waste/pages/IWDR.htm](http://www.dep.state.fl.us/waste/categories/solid_waste/pages/IWDR.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: the Bureau of Personnel Services at (850)245-2511. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**NOTICE OF RESCHEDULING – The Department of Environmental Protection** announces the cancellation of the certification hearing scheduled for May 30, May 31, and June 1, 2007. This hearing has been rescheduled and all persons are invited.

**DATES AND TIME:** October 22-26, 2007; October 29, 2007 through November 2, 2007; November 5-9, 2007, 9:00 a.m.

**PLACE:** Sarasota Cay Club Resort and Marina, Harborside Room, 7150 North Tamiami Trail, Sarasota, Florida

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Administrative Law Judge Bram D. E. Canter will take testimony and evidence concerning the environmental effects and any other appropriate matters regarding the site certification of the proposed Florida Power and Light Company, Bobwhite-Manatee 230 Kilovolt Transmission Line Project, Transmission Line Siting Application No. TA07-14, DOAH Case No. 07-0105TL, DEP-OGC Case No. 07-0026, pursuant to the Transmission Line Siting Act, Sections 403.52-.5365, Florida Statutes. On Wednesday, October 24, 2007, the hearing for parties to the certification hearing shall end at 12:30 p.m., at 7:00 p.m. on the same date, a hearing will be held for the exclusive purpose of receiving oral and written communications from members of the public. Judge Canter will prepare a Recommended Order for submission to, and final action by, the Governor and Cabinet acting as the Siting Board, based on the hearing.

In regards to parties and rights to intervene, Section 403.527, F.S., states:

(2)(a) Parties to the proceeding shall be:

1. The applicant.
2. The department.
3. The commission.
4. The Department of Community Affairs.
5. The Fish and Wildlife Conservation Commission.
6. The Department of Transportation.
7. Each water management district in the jurisdiction of which the proposed transmission line or corridor is to be located.
8. The local government.
9. The regional planning council.

(b) Any party listed in paragraph (a) other than the department or the applicant may waive its right to participate in these proceedings. If such listed party fails to file a notice of its intent to be a party on or before the 30th day prior to the

certification hearing, such party shall be deemed to have waived its right to be a party unless its participation would not prejudice the rights of any party to the proceeding.

(c) Notwithstanding the provisions of Chapter 120, F.S., to the contrary, upon the filing with the administrative law judge of a notice of intent to be a party by an agency, corporation, or association described in subparagraphs 1. and 2. or a petition for intervention by a person described in subparagraph 3. no later than 30 days before the date set for the certification hearing, the following shall also be parties to the proceeding:

1. Any agency not listed in paragraph (a) as to matters within its jurisdiction.
2. Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites; to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located.
3. Any person whose substantial interests are affected and being determined by the proceeding.

(d) Any agency whose properties or works may be affected shall be made a party upon the request of the agency or any party to this proceeding.

A copy of the agenda may be obtained by contacting: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

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: Landa Korokous, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. 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: Mr. Michael P. Halpin, P.E., Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002.

The Office of Greenways and Trails, **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: September 10, 2007, 6:00 p.m.  
 PLACE: Meeting Rooms North and South, Ravine Gardens State Park, 1600 Twigg Street, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the Rodman Reservoir Drawdown and its proposed major water level fluctuation and its benefits to the entire ecology.

A copy of the agenda may be obtained by contacting: Bonnie Pintard at Office of Greenways and Trails, State of Florida Department of Environmental Protection, Sharpes Ferry Office, 8282 S. E. Hwy. 314, Ocala, Florida 34470, or by telephone at (352)236-7143.

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 Bonnie Pintard at the address or telephone number shown above. 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 Bonnie Pintard at the address or telephone number shown above.

Pursuant to the Federal Coastal Zone Management Act of 1972, as amended, a public meeting will be conducted as part of the Federal Performance Evaluation of the **Florida Coastal Management Program**. The meeting will be held on:

DATE AND TIME: Tuesday, September 18, 2007, 6:30 p.m.  
 PLACE: Conference Room A, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comments regarding the operation of the Florida Coastal Management Program. Written or oral comments will be accepted until October 5, 2007, and may be forwarded to Rosemarie McKeeby, NOAA/NOS/OCRM, 1305 East-West Highway (N/ORM7), Silver Spring, Maryland 20910.

Any person requiring special accommodations to participate in this meeting is asked to advise the Department at least 5 days before the meeting by contacting Danny Clayton at (850)245-2161. Persons with hearing or speech impairments may contact the Department by using the Florida Relay Service, which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

For more information about this meeting, please contact: Danny Clayton, Department of Environmental Protection, Florida Coastal Management Program, 3900 Commonwealth Boulevard MS 47, Tallahassee, Florida 32399-3000, (850)245-2161.

**DEPARTMENT OF HEALTH**

The **Board of Acupuncture** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 14, 2007, 9:00 a.m. or soon thereafter

PLACE: Marriott Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by writing to: Board of Acupuncture, 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 Acupuncture, (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 at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATE AND TIME: September 14, 2007, 8:00 a.m.

PLACE: Paramount Plaza Hotel Suites, 2900 S. W. 13th St., Gainesville, FL 32608, (352)377-4000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting Sue Foster at (850)245-4474.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact Ms. Walls using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771(TDD).

The Florida **Board of Medicine**, PCP North Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2007, 2:00 p.m.

PLACE: Confence Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting the Prosecution Services Unit at (850)245-4640.

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 10 days before the workshop/meeting by contacting the Prosecution Services Unit at (850)245-4640. 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 the Prosecution Services Unit at (850)245-4640.

The Florida **Board of Medicine**, PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 14, 2007, 2:00 p.m.

PLACE: Conference Number: 1(888)808-6959, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting the Prosecution Services Unit at (850)245-4640.

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 10 days before the workshop/meeting by contacting: The Prosecution Services Unit at (850)245-4640. 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 the Prosecution Services Unit at (850)245-4640.

The **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 10, 2007, 5:30 p.m. – 7:00 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number, 1(888)808-6959, Conference Code (2454640)

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by writing to: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Pharmacy**, Negative Formulary Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 1:00 p.m.

PLACE: Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL 32822

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting has been cancelled and will be rescheduled.

For more information, you may contact the Board of Pharmacy at (850)245-4292.

The **Department of Health**, Drug Wholesaler Advisory Council announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 13, 2007, 9:30 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Code 2454292

GENERAL SUBJECT MATTER TO BE CONSIDERED: Welcome/Introductions, Approval of Minutes from the July 12, 2007, Meeting; Old Business; New Business; Rule Development Update, and Open Discussion.

The agenda will be sent out electronically and placed on the website two weeks prior to the meeting. Please contact Maxine Wenzinger at (850)245-4736 if you have any questions.

#### DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The Heart of Florida Community Alliance of the **Department of Children and Family Services**, District 14, announces the following public meeting to which all persons are invited.

Meeting

DATE AND TIME: September 12, 2007, 2:30 p.m. – 4:00 p.m.

PLACE: United Way of Central Florida, 5605 U.S. Hwy. 98 S., Highland City, FL 33846

For more information, please contact: Diane S. Dvorak, Community Relations, 4720 Old Hwy. 37, Lakeland, FL 33813, (863)619-4148.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Diane S. Dvorak, (863)619-4148, at least five days prior to the meeting. If you

are hearing or speech-impaired, please contact the Agency using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955 8771 (TDD).

#### FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting on Rules 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, F.A.C., to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301, (850)851-0000

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this rule chapter is to establish procedures for the Community Workforce Housing Innovation Pilot (CWHIP) Program by which the Corporation shall administer the application process, determine loan amounts and service loans pursuant to Section 420.5095, F.S.

The Rule Development Workshop will be held to receive comments and suggestions from interested persons.

A copy of the agenda may be obtained by contacting: Bridget Warring, Homeownership Programs Manager, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (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 Bridget Warring at (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: September 14, 2007, 9:00 a.m.

PLACE: City Centre Building, 227 North Bronough Street, Fifth Floor, Formal Conference Room, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public hearing concerning a plan of financing (within the meaning of Section 147 (f)(2)(C) of the Code)



pursuant to which the Issuer will issue its single family mortgage revenue bonds (the "Bonds") in an amount not to exceed \$750,000,000 in one or more series to finance owner-occupied residences within the State of Florida (the "State"). Proceeds of the Bonds are expected to be available to finance owner-occupied residences for persons or families of low or moderate income within any county of the State, subject to the participation of lending institutions in the counties they elect to serve. If the Bonds are issued in more than one series, each issue subsequent to the initial series will be issued within three years of the date of issuance of the initial series pursuant to a common plan of finance.

All interested parties are invited to submit written comments and/or present oral comments at the public hearing regarding the issuance of the Bonds or the purpose of the financing. Written comments should be received by the Issuer on or before September 7, 2007.

Any persons desiring to present oral comments should appear at the hearing.

Any person who decides to appeal any decision made by the Issuer with respect to any matter considered at this hearing, will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceedings be made, which record includes the testimony and evidence upon which the appeal is to be based.

Any questions or comments regarding the proposed issuance of Bonds should be directed to Mr. Stephen P. Auger, Executive Director of the Issuer.

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 Donna Light at (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).

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#### **DEPARTMENT OF FINANCIAL SERVICES**

The **Department of Financial Services** announces a telephone conference of the Florida **Board of Funeral, Cemetery and Consumer Services**, to which all persons are invited.

DATE AND TIME: September 11, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Financial Services, Alexander Building, Suite 2100, 2020 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED:  
Regular Board Business.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, the person will need a record of the proceedings, and for such purpose the 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. A copy of the agenda may also be obtained by writing to: Department of Financial Services, Division of Funeral, Cemetery and Consumer Services, Attn: LaTonya Bryant, 200 East Gaines Street, Tallahassee FL 32399-0361, or by calling Ms Bryant at (850)413-3039.

At least 7 days before each meeting, a copy of the agenda of the meeting will be available. Agendas will be available on the home page of the Division of Funeral, Cemetery & Consumer Services ([www.fldfs.com/FuneralCemetery](http://www.fldfs.com/FuneralCemetery)).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise LaTonya Bryant, (850)413-3039 at least 48 hours before the meeting. If you are hearing or speech impaired, contact LaTonya Bryant via the Florida Relay Service at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

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#### **CENTER FOR INDEPENDENT LIVING IN CENTRAL FLORIDA, INC.**

The **Center for Independent Living in Central Florida, Inc.** will hold its next Board Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, August 28, 2007, 5:30 p.m.

PLACE: Center for Independent Living in Central Florida, Inc., 720 North Denning Drive, Winter Park, FL 32789

For an agenda or other information contact Luana Kutz at (407)623-1070 or via e-mail at [lkutz@cilorlando.org](mailto:lkutz@cilorlando.org).

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#### **FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY**

The **Florida Atlantic Research and Development Authority** will hold a special meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, August 29, 2007, 8:00 a.m.

PLACE: The Technology Business Incubator Conference Room, 3701 FAU Blvd., Suite 210, Boca Raton FL

For information or agenda please contact Scott Ellington, Executive Director, (561)416-6092. or e-mail at: [scott@research-park.org](mailto:scott@research-park.org).

### FLORIDA COMMUNITY COLLEGES RISK MANAGEMENT CONSORTIUM

The **Florida Community Colleges Risk Management Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 8:00 a.m. – 1:00 p.m.

PLACE: Crowne Plaza, Airport, Orlando, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business Meeting.

A copy of the agenda may be obtained by contacting: Florida Community Colleges Risk Management Consortium, 5700 S. W. 34th Street, Suite 1205, Gainesville, FL 32608.

### FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a public telephonic conference call to which all persons are invited to participate.

DATE AND TIME: Thursday, August 30, 2007, 9:00 a.m.

PLACE: CALL IN INSTRUCTIONS:

Step 1: Dial the Conference Access Number: 1(866)200-9760

Step 2: When prompted, enter the PIN Code: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation Board of Directors Meeting.

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.

### FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces it's quarterly GRANT COMMITTEE meeting to which all persons are invited.

DATE AND TIME: Thursday, August 30, 2007, 9:00 a.m. – 10:00 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309. Call In Number: 1(888)808-6959 (Toll Free), Conference Code: 4888347.

Please make note that if a person decides to appeal any decision made by the Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to insure that a verbatim record of the proceedings is made, which recorded includes the testimony and evidence upon which appeal is to be based.

The **Florida Sports Foundation** announces it's quarterly JUNIOR GOLF GRANT COMMITTEE meeting to which all persons are invited.

DATE AND TIME: Friday, August 31, 2007, 9:30 a.m. – 10:30 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309. Call In Number: 1(888)808-6959 (Toll Free), Conference Code: 4888347.

Please make note that if a person decides to appeal any decision made by the Junior Golf Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to insure that a verbatim record of the proceedings is made, which recorded includes the testimony and evidence upon which appeal is to be based.

### SOIL AND WATER CONSERVATION DISTRICTS

The **Clay Soil and Water Conservation Board** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 1:00 p.m.

PLACE: Clay Extension Office, 2463 State Road 16 West, Green Cove Springs, FL 32043

A copy of the agenda may be obtained by contacting or for more information, you may contact: Savannah Pipkins, P. O. 278, Green Cove Springs, FL 32043-0278, (904)284-6355.

### FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meetings to which all persons are invited.

FAJUA Finance Committee Meeting

DATE AND TIME: Wednesday, September 12, 2007, TBA

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA Financial Reporting and any other matters that may come before the committee.

FAJUA Budget Committee Meeting

DATE AND TIME: Wednesday, September 12, 2007, TBA

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss proposed FY 2007-2008 budget, make recommendations to the Board, and to consider other matters that may come before the committee.

Board of Governors Meeting

DATE AND TIME: Thursday, September 13, 2007, 8:30 a.m.

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, istoutamire@fajua.org.

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**ABLE TRUST**

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting to which all interested persons are invited.

DATE AND TIME: September 15, 2007, 9:00 a.m. – 12:00 Noon

PLACE: The Governor’s Inn, 209 S. Adams Street, Tallahassee, FL 32301, (850)681-6855

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and approve grants to assist persons with disabilities in securing employment and reviewing committee reports.

Please contact The Able Trust at (850)224-4493 or 1(888)838-2253 by September 12, 2007 if you need additional information or accommodations.

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**NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC.**

The **Florida Workers Compensation Appeals Board** announces a meeting to which all persons are invited.

DATE AND TIME: September 18, 2007, 9:00 a.m. – 12:00 Noon

PLACE: Hyatt Regency Hotel at the Orlando International Airport, 9300 Airport Blvd., Orlando, Florida 32827, (407)825-1234

GENERAL SUBJECT MATTER TO BE CONSIDERED: To provide a mechanism by which aggrieved parties may obtain a review of the application of rules of the workers compensation system to their individual workers compensation policy.

Contact: Maureen Longanacre, National Council on Compensation Insurance, Inc., 901 Peninsula Corporate Circle, Boca Raton, Florida 33487, (337)462-3328.

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**CITIZENS PROPERTY INSURANCE CORPORATION**

The **Citizens Property Insurance Corporation** announces a FMAP Board of Governors Meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 8:00 a.m. (EDT)

PLACE: The DoubleTree Hotel, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Item of discussion includes, but is not limited to, the Annual Report.

For additional information, please call Barbara Walker at 1(800)807-7647, extension 3744.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Barbara Walker at least five days prior to the meeting.

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The **Citizens Property Insurance Corporation** announces a Board of Governors Meeting to which all interested persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 9:00 a.m. (EDT)

PLACE: The DoubleTree Hotel, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, key performance indicators and committee reports.

For additional information, please call Barbara Walker at 1(800)807-7647, extension 3744.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or physical impairments who require assistance to participate in this meeting are requested to contact Barbara Walker at least five days prior to the meeting.

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**Section VII**  
**Notices of Petitions and Dispositions**  
**Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has received the petition for declaratory statement from Kelly Carman of Leo A. Daly, on behalf of Embassy Suites-Jacksonville, Florida, on June 25, 2007, regarding whether section 13-415.1.ABC.1, Florida Building Code, Building Volume (2004 as amended 12/05 and 12/06) requires the master lighting control at the main entry to motel and hotel guest rooms to include the bathroom lights. It has been assigned the number DCA07-DEC-115.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has received the petition for declaratory statement from Andy Charnoubi, on behalf of Neil Melick, City of West Palm Beach Building Official, and Kenco Communities at Ibis, Inc., on June 8, 2007, regarding whether a solid gunnite barrier 60 inches above the grade of the vanishing edge basin feature meets the requirements for swimming pool barriers contained

in section R4101.17.1, Florida Building Code, Residential Volume (2004 as amended 12/05 and 12/06). It has been signed the number DCA07-DEC-110.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Billy Tyson, on behalf of Clemons-Rutherford & Associates (Petitioner) on January 11, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA07-DEC-011. The Commission determined that section 703.4.1, Florida Building Code, Building Volume (2004, as amended 12/05 and 12/06) and ASTM E 136, adopted by reference therein, require cement based particle board (CBPB) used as a flooring material in a Type II-B Construction classroom to be non-combustible, and the duration of the ASTM E 136 combustibility test cannot be reduced to ten minutes.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Bert Kolodziej, P.E., on behalf of ITW Buildex on November 23, 2006. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA06-DEC-282. The Commission determined that petitioner's product, a pin designed to attach exterior sheathing to light gauge steel framing, is not covered by Chapter 9B-72, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by James Losier, on behalf of Hurricane Harness Corporation on November 6, 2006. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA06-DEC-283. The Commission determined that petitioner's product, tie-down straps that are secured to the foundation and placed over the roof to increase wind resistance, is an aftermarket retrofit not covered by Chapter 9B-72, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Jack McLaughlin, on behalf of Oriolum Corp. on October 21, 2006. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA06-DEC-273. The Commission determined that the petitioner's product, a clip designed to secure plywood to window openings for storm protection, is covered by Chapter 9B-72, Florida Administrative Code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Steve Munnell, on behalf of the Florida Roofing, Sheet Metal & Air Conditioning Contractors Association, Inc. on November 14, 2006. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA06-DEC-284. The Commission determined that adhesive is still an acceptable means of securing the first course of roof tile in the High Velocity Hurricane Zone under sections 102.4 and 1518.8.4.1, Florida Building Code, Building Volume (2004 as amended 12/05 and 12/06) as long as it is part of an approved roofing system and meets the requirements of chapter 16, FBC Building Volume (2004 as amended 12/05 and 12/06) for wind resistance.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

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NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Cindy Poltrock, on behalf of CSP Roof Consultants (Petitioner) on August 8, 2007. The following is a summary of the agency's disposition of the petition:

It was assigned the number DCA06-DEC-270. The Commission determined that section 507.2.2, Florida Building Code, Existing Building Volume (2004, as amended 12/05 and 12/06) requires that the wood roof deck attachments be checked when 50% of the roof or of an area of roof is removed and that additional fastening be installed if the roof deck attachments are found to be deficient.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has received a petition for declaratory statement from Grant E. Tolbert, on behalf of the Hernando County Board of County Commissioners, on January 2, 2007, regarding whether, under section 13-104.4.1 of the Florida Building Code, Building Volume (2004 as amended 12/05 and 12/06) an agent may sign the Energy Performance Level (EPL) display card and certify it as accurate on behalf of the builder. It has been signed the number DCA07-DEC-157.

A copy of the request may be obtained by writing to Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has received the petition for declaratory statement from Billy Tyson, on behalf of Clemons, Rutherford & Associates, Inc., on July 18, 2007. This request asks for clarification of a previous declaratory statement, DCA07-DEC-011. The question presented in this request is whether cement based particleboard (CBPB) material used as a sleeper/underlayment for floor finish material, on a structural floor assembly, where the CBPB is not a part of the structural floor assembly or structural diaphragm, must be non-combustible. A Petition for Leave to Intervene was received on August 3, 2007, from McGrath Rent Corp., d/b/a Mobile Modular Management Corporation. It has been assigned the number DCA07-DEC-136.

A copy of the request may be obtained by writing to Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT The Florida Building Commission has received the petition for declaratory statement from Emil Veksenfeld, P.E., on July 17, 2007, regarding whether the definition of "Threshold Building" contained in section 202, Florida Building Code, Building Volume (2004 as amended 12/05 and 12/06) includes existing, new, residential, commercial, school, and medical buildings. It has been assigned the number DCA07-DEC-135.

A copy of the request may be obtained by writing to: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has issued an order disposing of the petition for declaratory statement filed by John R. Herin, Jr., on behalf of Coral Pointe Homes, LLC on April 18, 2007. It was assigned the number DCA07-DEC-084. The Department determined that the City of St. Pete Beach referendum vote repealing the Amendment/Resort Area Master Plan does not constitute an amendment to the comprehensive plan.

A copy of the Declaratory Statement may be obtained by writing to Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

#### **DEPARTMENT OF REVENUE**

NOTICE IS HEREBY GIVEN that the Florida Department of Revenue has issued an Order Dismissing Petition for Declaratory Statement in response to the Petition for Declaratory Statement filed with the Department by Alec F. Redfearn and Margaret A. Redfearn, pursuant to Section 120.565, Florida Statutes. The Department declines to issue a declaratory statement because the Petition fails to meet the requirement that there be a demonstration within the Petition of an actual, present and practical need for the declaration, and that the requested declaration deals with a present controversy as to a state of facts.

A copy of the Order Dismissing Petition for Declaratory Statement may be obtained by contacting Nancy Purvis, Agency Clerk, Department of Revenue, Office of General Counsel, P. O. Box 6668, Tallahassee, Florida 32314-6668, (850)488-0712.

#### **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 Building Code Administrators and Inspectors Board has received the petition for declaratory statement from David Hodges. The petition seeks the agency's opinion as to the applicability of Section 468.609(7)(a), Florida Statutes. as it applies to the petitioner.

The Building Code Administrators and Inspectors Board hereby gives notice that it has received a Petition for Declaratory Statement filed on June 25, 2007 on behalf of David Hodges. The Petitioner seeks the Board's interpretation of Section 468.609(7)(a), Florida Statutes. Specifically, the Petitioner requests that the Board issue a Declaratory

Statement as to the description of the “newly employed or promoted” may or does affect the standards of provisional certification.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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NOTICE IS HEREBY GIVEN THAT the Department of Business and Professional Regulation, Division of Florida Land Sales Condominiums and Mobile Homes has issued an order disposing of the petition for declaratory statement filed by Prentiss Pointe, Ltd., Docket No. 2007035326 on June 13, 2007. The following is a summary of the agency’s disposition of the petition:

An Order Closing File has been issued because the Petition was withdrawn.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Altamira at North Hutchinson Island Condominium Association, Inc.; Docket No. 2007042090. The petition seeks the agency’s opinion as to the applicability of Sections 718.110(4) and 718.112(2)(f), Florida Statutes. as it applies to the petitioner.

Whether Altamira at North Hutchinson Island Condominium Association, Inc. may amend the declaration of its two condominiums to change the allocation of the common expenses assessed for the limited common elements assigned to each separately with a two-thirds vote under Section 718.110(4), F.S., and combine the reserves for these expenses under Section 718.112(2)(f), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division 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.

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NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has received the petition for declaratory statement from Galt Mile

Apartments, Inc., d/b/a Coral Ridge Towers; Docket No. 2007043749. The petition seeks the agency’s opinion as to the applicability of Section 719.1055(4)(a), Florida Statutes as it applies to the petitioner.

Whether Galt Mile Apartments, Inc., a cooperative association, may properly amend the terms and provisions of the Occupancy Agreement under Section 719.1055(4)(a), Florida Statutes.

A copy of the Petition for Declaratory Statement may be obtained by contacting: the Division 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.

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NOTICE IS HEREBY GIVEN THAT on August 8, 2007, the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by George Garner on March 12, 2007. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 33, No. 14, of the April 6, 2007, F.A.W. The Petitioner sought the Board’s interpretation of Section 489.105(3)(m), Florida Statutes, entitled “Definitions” and whether the activities described in the petition constitute “plumbing contracting” and whether petitioner would be required to be licensed as a plumbing contractor. The Board considered the instant Petition at a duly-noticed public meeting, held May 11, 2007, in Tampa, Florida. The Board’s Order denied to answer the petition for declaratory statement because the question posed is the subject of pending litigation. A declaratory statement is not an appropriate remedy where there is pending litigation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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NOTICE IS HEREBY GIVEN THAT on January 20, 2006, the Construction Industry Licensing Board has issued an order disposing of the petition for declaratory statement filed by Dannie S. Johnson on October 4, 2005. The following is a summary of the agency’s disposition of the petition:

The Notice of Petition for Declaratory Statement was published in Vol. 31, No. 43, of the October 28, 2005, F.A.W. The Petitioner sought the Board’s interpretation of Section 489.113(9), Florida Statutes, entitled “Qualifications for practice; restrictions” and whether a licensed Residential or Commercial Swimming Pool Contractor, in accordance with

Section 489.113(9), F.S., include in his contract the sale of a screen enclosure which will be subcontracted to an appropriately licensed contractor for installation. The Board considered the instant Petition at a duly-noticed public meeting, held November 9-11, 2005, in Naples, Florida. The Board's Order answered that if the majority of the work within the contract is within the scope of the Residential or Commercial Swimming Pool contractor, the contractor may include in his contract the sale of a screen enclosure, which will be subcontracted to an appropriately licensed contractor for installation.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**NOTICE IS HEREBY GIVEN THAT** The Building Code Administrators and Inspectors Board has received the petition for declaratory statement from David Hodges. The petition seeks the agency's opinion as to the applicability of Section 468.609(7)(a), Florida Statutes, as it applies to the petitioner.

The Building Code Administrators and Inspectors Board hereby gives notice that it has received a Petition for Declaratory Statement 2007-035, filed on June 26, 2007 on behalf of David Hodges. The Petitioner seeks the Board's interpretation of Section 468.13, Florida Statutes. Specifically, the Petitioner requests that the Board issue a Declaratory Statement as to the description of unlicensed persons ("runners") that may or does affect the statutory provision of the rule.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

**NOTICE IS HEREBY GIVEN THAT** The Building Code Administrators and Inspectors Board has received the petition for declaratory statement from David Hodges. The petition seeks the agency's opinion as to the applicability of Section 468.609(7)(a), Florida Statutes, as it applies to the petitioner.

The Building Code Administrators and Inspectors Board hereby gives notice that it has received a Petition for Declaratory Statement 2007-036, filed on July 26, 2007 on behalf of David Hodges. The Petitioner seeks the Board's interpretation of Section 489.13, Florida Statutes. Specifically, the Petitioner requests that the Board issue a Declaratory Statement clarifying whether Section 489.13 applies to Building Code Administrators and Inspectors Board licensees.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Robyn Barineau, Executive Director, Building Code Administrators and Inspectors Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750.

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#### **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."

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#### **DEPARTMENT OF FINANCIAL SERVICES**

**NOTICE IS HEREBY GIVEN THAT** the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Petition for Declaratory Statement, Lee County, Florida, Case #90308, on August 9, 2007. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement concludes that the Department's pre-emption under Section 552.30(1), Florida Statutes, is limited to the manner in which explosives are used in construction materials mining activities, not the location of mines.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340 or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

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**NOTICE IS HEREBY GIVEN THAT** the Department of Financial Services, Division of State Fire Marshal, has received a Petition for Declaratory Statement filed on or about August 10, 2007, from Mark Cavinee, Petitioner. The Petition requests a declaratory statement regarding the Florida Building Code Section 423.8.1.1., in conflict the Florida Fire Prevention Code, specifically states that "the support spaces such as media centers, administrative offices, and cafeterias and kitchens located within educational facilities are not separate occupancies."

A copy of the Petition may be obtained by writing to, calling, or faxing: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, phone (850)413-3604, or (850)413-4238; Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

NOTICE IS HEREBY GIVEN THAT the Office of Financial Regulation received a petition for declaratory statement on July 17, 2007, from Craig A. Waltzer, President and Chairman of Aventura Holdings, Inc. The petition seeks the Office's opinion as to the application of Chapter 559, Florida Statutes and Chapter 687, Florida Statutes and specifically Section 559.565(1), Florida Statutes and Section 687.071, Florida Statutes to the activities of Ohio Funding Group, Inc. and National Automobile Finance, Inc.

A copy of the petition for declaratory statement may be obtained by writing: Agency Clerk, Office of Financial Regulation, Fletcher Building, Suite #526, 200 E. Gaines Street, Tallahassee, FL 32399-0379.

**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**

**Invitation To Bid (ITB)**

**For a Roofing Contractor**

Sealed bids will be received by Duval County Public Schools, Division of Facilities, Room 535, 1701 Prudential Drive, Jacksonville, FL 32207 until the time and date(s) recorded below and immediately thereafter publicly opened and recorded in the Duval County Public Schools, School Board Building, 5th Floor, Room 513D, 1701 Prudential Drive, Jacksonville, Florida

**BIDS ARE DUE ON OR BEFORE September 25, 2007**

**AND WILL BE ACCEPTED UNTIL 2:00 p.m.**

Districtwide Roof Replacement at Various Schools, DCPS PROJECT NO. M-84890, Stage II

SCOPE OF WORK: Replace all deteriorated roofing at Alden Road Exceptional Center No. 252, Atlantic Beach Elementary School No. 65, Palm Avenue Exceptional Student Center No. 170, Lone Star Elementary School No. 233, Mayport Elementary School No. 227, and Southside Administration Building No. 275. The estimated construction cost Budgeted Not to Exceed \$1,286,692.

All contractors that are interested in bidding are required to attend a mandatory pre-bid conference to be held on September 12, 2007, 9:00 a.m. at 129 King Street, Room 37, Jacksonville, Florida 32204. Failure to attend the pre-bid conference shall result in disqualification of that firm's proposal. Attendees will be required to sign an attendance register.

All bidders and subcontractors shall be licensed Contractors and registered corporations as required by the laws of the State of Florida.

Contract documents for bidding may be obtained for a refundable fee of \$75.00 at the office of:

Akel, Logan & Shafer, P.A., 704 Rosselle Street, Jacksonville, Florida 32204

DCSB Point of Contact: Dale Hughes, (904)858-6308

Contract documents for bidding may be examined at:

F.W. Dodge McGraw Hill Plan Room      Construction Bulletin  
Construction Market Data, Inc.      National Association of Minority Contractors

**MBE Participation Goal: 10% Overall**

The Duval County Public Schools has begun prequalifying all contractors who intend to submit bids for all construction projects exceeding \$200,000 and electrical projects exceeding \$50,000. Effective May 31, 2003, all Contractors submitting bids must be prequalified with Duval County Public Schools. No bids will be accepted from Contractors who are not prequalified with Duval County Public Schools.



Prequalification forms and information may be obtained by contacting: Richard Beaudoin or Ronald A. Fagan at 1701 Prudential Dr., Jacksonville, FL. 32207, (904)390-2358 or (904)390-2922, Fax: (904)390-2265, Email: beaudoinr@educationcentral.org or Faganr@educationcentral.org.

The Bid Award Recommendation will be posted on the First Floor Bulletin Board, Duval County School Board Building, 1701 Prudential Drive, Jacksonville, Florida 32207-8182.

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### **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."

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### **DEPARTMENT OF MANAGEMENT SERVICES**

#### Notice of Bid/Request for Proposal

Low Bid General Contractor MSFM-25010020

PROPOSALS ARE REQUESTED FROM QUALIFIED GENERAL CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES HEREINAFTER REFERRED TO AS OWNER, FOR THE STRUCTURAL REPAIRS FOR:

PROJECT NUMBER: MSFM-25010020

PROJECT NAME: Structural Repairs, Parking Garage #63, Peterson Building

PROJECT LOCATION: Lakeland Florida

ESTIMATED CONSTRUCTION BUDGET: \$392,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

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#### Notice of Bid/Request for Proposal

Selection General Contractor DOAH-27012000

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DOAH-27012000

PROJECT NAME: Remodeling – State Office Building, Rohde Building

LOCATION: Miami, Florida

ESTIMATED CONSTRUCTION BUDGET: \$965,000.00

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management. For

details please visit the Department's website listed below and click on "Search Advertisements – Division of Real Estate Development and Management." [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

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### **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."

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#### Notice of Bid/Request for Proposal

BID NO. BDC 10-07/08

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: Long Key Historic Bridge-Fishing Platforms

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to successfully construct fishing platforms.

PARK LOCATION: Florida Keys Overseas Heritage Trail (MM 60.5)

PROJECT MANAGER: J. Randy Smith, Office of Greenways & Trails, Telephone Number: (850)245-2052, Fax Number: (850)245-2082.

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 prior to the bid closing 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 August 24, 2007 at: the Office of Greenways & Trails, Florida Keys Overseas Heritage Trail, 3 Lacroix Court, Key Largo, Florida 33037, Attention: Debra Stucki or Shelly Welch, Telephone Number: (305)853-3571, Fax Number: (305)853-3574.

PRE-BID CONFERENCE: A mandatory pre-bid conference will be held for all interested bidders at 10:00 a.m. (EDST), Tuesday, September 11, 2007 at the Marjorie Stoneman Douglas Building, Office of Greenways and Trails, Florida Department of Environmental Protection, 3900

Commonwealth Boulevard, Room 829, Tallahassee, Florida 32399-3000. All prospective contractors submitting a response as a result of this Invitation to Bid MUST be represented in order for their response to be considered. A joint venture must be represented by at least one firm participating in the joint venture. Failure by a prospective contractor to be represented at the mandatory meeting will result in the elimination of the prospective contractor's bid from further consideration.

**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 Mike Renard with the Bureau of Design and Construction at (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, September 25, 2007 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 (850)488-5372.

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Notice of Bid/Request for Proposal  
BID NO. BDC09-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Natural and Cultural Resources is soliciting formal competitive bids for the project listed below:

**PROJECT NAME:** Ft. Zachary Taylor Historic State Park – Beach Renovation

**SCOPE OF WORK:** The contractor shall provide the necessary labor, supervision, equipment and materials required to carry out a truck haul beach nourishment at Ft Zachary Taylor State Park in Key West Florida. The contractor will be required to supply approximately 3,600 cubic yards of beach quality sand (as described in the technical specifications) from a source pre-approved by the Department. The contractor shall also be responsible for delivery of the sand, for scarp removal, tree and stump removal, spreading and grading the new sand to contour the beach, and removal of rock and rubble (the contractor may be required to place some rocky material at another area within the Park). All the State and Federal Permits have been secured.

**PARK LOCATION:** P. O. Box 6560, Key West, FL 33041 (the end of Southard Street through Truman Annex, Monroe County)

**PARK MANAGER:** Mark Knapke, Telephone Number: (305)292-6850, Fax Number: (305)292-6881

**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 prior to the bid closing 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 Friday, August 24, 2007 at: Ft. Zachary Taylor Historic State Park, P. O. Box 6560, Key West, Florida 33041, Attention: Mark Knapke, Telephone Number: (350)292-6850.

**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 Michael Renard with the Bureau of Design and Construction at (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. (EDST), Tuesday, September 25, 2007 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, Construction Projects Administrator 2, Bureau of Design and Construction.

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**FLORIDA HOUSING FINANCE CORPORATION**

Notice of Bid/Request for Proposal  
Request for Proposals 2007-07

Technical Assistance Provider Services for the  
Predevelopment Loan Program and Demonstration Loans

The Florida Housing Finance Corporation invites all qualified and interested parties wishing to provide technical assistance provider services in accordance with the terms and conditions of RFP 2007-07, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, September 21, 2007, to the attention of Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329.

For questions or additional information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at: <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

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### **FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.**

#### Request for Proposals (RFP)

The Florida Developmental Disabilities Council, Inc. (FDDC) announces the availability of a Request for Proposals (RFP). Copies of the RFP can be downloaded for the FDDC website ([www.fddc.org](http://www.fddc.org)) or copies may be requested by writing FDDC at 124 Marriott Drive, Suite 203, Tallahassee, Florida 32301, or calling (850)488-4180, 1(800)580-7801 (Toll Free), 1(888)488-8633 (TDD). To register to receive electronic mail (email) notices of future RFPs, please visit our website ([www.fddc.org](http://www.fddc.org)) and click on the "RFPs" button near the top of the page, then click on the "sign up" button and follow the directions.

The Florida Developmental Disabilities Council, Inc. (FDDC) is pleased to announce that this request for proposals (RFP #2007-TR-6100) is released in order to provide transportation to people with developmental disabilities to places that are not covered by traditional Medicaid Waiver transportation services using a transportation voucher system. FDDC has set aside federal funds for a period not to exceed one (1) year for fiscal support of this RFP. Interested parties should obtain a copy of RFP #2007-TR-6100 for specific information related to funding amounts.

The deadline for submitting written questions and letters of intent for this RFP is September 24, 2007 by 4:00 p.m. (EDT). In order for your proposal to be considered, your letter of intent must be received by the above referenced deadline. Letters of Intent will only be accepted by fax, mail, or hand delivery. Letters of Intent by email will not be accepted. All answers to written questions will be posted on the FDDC website during the week of October 8, 2007. The deadline for submitting proposals for this RFP to FDDC is November 5, 2007 by 2:00 p.m. (EST).

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### **C. R. KLEWIN SOUTHEAST, INC.**

#### Notice of Bid/Request for Proposal

C. R. Klewin Southeast, Inc. – Construction Manager for Florida Atlantic University requests Trade Contractor/Material Supplier bids for the construction of Port St. Lucie Partner Classroom Facility BT-623.

Sealed bids will be received at 701 Northpoint Parkway, Suite 318, West Palm Beach, Florida 33407, until 5:00 p.m., October 3, 2007. Bidding Documents will be available on or about September 3, 2007.

A pre-construction bid conference will be conducted at the Project site – 500 N. W. California Blvd., Port St. Lucie, Florida 34986, date and time to be determined.

The Project scope includes construction of a new 30,623 s.f. two story classroom building and related site work.

Requests for Bid Documents / Questions should be directed to Dan Swinarski, Sr. Estimator at (561)683-5400 or Faxed to (561)683-5076.

One set of bidding documents may be obtained per Pre Qualified Trade Contractor / Material Supplier at no cost.

C.R. Klewin Southeast, Inc. is committed to providing equal opportunities and encourage all certified M/WBE – SBE Trade Contractors / Material Suppliers to bid.

The Construction Manager reserves the right to reject any or all bids, waive informalities in any bid, make award in whole or part and make award it deem to be in the best interest of the Project.

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### **EARLY LEARNING COALITION OF FLAGLER AND VOLUSIA COUNTIES, INC.**

#### Notice of Bid/Request for Proposal

The Early Learning Coalition of Flagler & Volusia Counties, Inc. has issued an invitation to negotiate for qualified external independent Auditing firm. Deadline for submission is August 21, 2007, 5:00 p.m. Visit our web site at [www.elcfv.org](http://www.elcfv.org) or email [jbender@elcfv.org](mailto:jbender@elcfv.org).

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### **DEPARTMENT OF MILITARY AFFAIRS**

#### ADVERTISEMENT FOR BIDS

PROPOSALS ARE REQUESTED FROM QUALIFIED LICENSED GENERAL CONTRACTORS BY THE State of Florida, Department of Military Affairs HEREINAFTER REFERRED TO AS OWNER, FOR CONSTRUCTION OF:

PROJECT NUMBERS: 207048 AND 207049

ACCOUNTING CODE: 132G76.L5 RPOM

PROJECT NAME AND LOCATION: Buildings 3500 and 3510 Additions, Remodeling and Renovations, Camp Blanding Joint Training Center

FOR: The Florida Army National Guard, Construction and Facility Management Office/Federal Engineering Division

POTENTIAL RESPONDENTS TO THE SOLICITATION ARE ENCOURAGED TO CAREFULLY REVIEW ALL THE MATERIALS CONTAINED HEREIN AND PREPARE RESPONSES ACCORDINGLY.

**FOR (PROJECT DESCRIPTION):** Construction of a new Addition to Building 3510 and remodeling and renovations to both Buildings 3500 and 3510 are required at the Camp Blanding Joint Training Center in Starke, Florida. The scope of work in both Buildings 3500 and 3510 includes, but is not limited to, selective demolition, new impact resistant storefront windows, interior partitions and finishes, HVAC systems, plumbing fixtures and electrical systems. Building 3500 will also have a new asphalt shingle roof with metal soffits. The scope of work for Building 3510 will include a new addition to house new Male and Female Restrooms and Custodial Closet. The construction of this addition will include an asphalt shingle roof on wood sheathing on pre-engineered wood trusses on load bearing concrete masonry walls with a stucco exterior finish, new interior finishes, toilet partitions and accessories, exhaust fans, plumbing fixtures and electrical systems. The estimated value of this work is assumed to less than \$500,000.00.

**PREQUALIFICATION:** Each bidder whose field is governed by Chapter 399, 455, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility with their bid at or prior to the bid opening. After the bid opening, the low bidder must qualify in accordance with Rule 60D-5.004, F.A.C. A copy of the requirements is included in the Non-Technical Specifications Level IV/V, Instructions To Bidders under Section B-2 "Bidder Qualification Requirements and Procedures". Note: A completed experience questionnaire and financial statement form number DBC 5085 (Exhibit 3) must be submitted with bid. The Department of Military Affairs will not be performing prequalification prior to bid opening due to time constraints on this project.

The respondent shall warrant that it has not employed or retained any company or person, other than a bona fide employee working solely for the respondent to solicit or secure the award for this project and that it has not paid or agreed to pay any person, company corporation, individual or firm other than a bona fide employee working solely for the respondent any fee, commission, percentage, gift or other consideration contingent upon or resulting from the award.

The employment of unauthorized aliens by any contractor/vendor is considered a violation of Section 274A(e) of the Immigration and Nationality Act. If a contractor/vendor employs unauthorized aliens, such violation shall be cause for rejection of bid/unilateral cancellation of a contract if awarded.

**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.

The STATE OF FLORIDA requires all Contractors to implement a drug free workplace program as defined in Section 287.087, Florida Statutes.

**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.

**BID SECURITY:** Bids/Proposals in total excess of \$100,000.00, the bidder must provide with bid, a good faith deposit in the amount of 5% of the bid by way of a bid bond from a surety insurer authorized to do business in the STATE OF FLORIDA as surety or a certified check or cashier's check accompanying the bid.

**PERFORMANCE BOND AND LABOR AND MATERIAL PAYMENT BOND'S** are required from any persons or parties entering into a formal contract with the STATE OF FLORIDA for contracts in total excess of \$100,000.00 for construction, additions, renovations, repairs, or demolition of any public building pursuant to Section 255.05(1)(a), Florida Statutes.

All questions regarding this procurement will be accepted in writing ONLY to Mr. Tom Norman at fax number (904)241-7526.

**INFORMATION WILL NOT BE AVAILABLE BY TELEPHONE.** All information received through any oral communication shall not be binding on the Department of Military Affairs and shall not be relied upon by an offeror.

Pursuant to Section 287.057(26), Florida Statutes, Respondents to this solicitation of persons acting on their behalf may not contact, between the release of the solicitation and the end of the 72-hour period following the agency posting the notice of intended award, excluding Saturdays, Sundays, and state holidays, any employee or officer of the executive or legislative branch concerning any aspect of this solicitation, except in writing to the procurement officer or as provided in the solicitation documents. Violation of this provision may be grounds for rejecting a response.

Any questions from proposers concerning this solicitation shall be submitted in writing, identifying the submitter, to the Contact Person listed above at the address specified above by email or by facsimile no later than the date specified in the Tentative Schedule. E-mail inquiries are preferred; however a hard copy or facsimile is acceptable.

All questions and answers/changes to the solicitation will be provided in writing and posted on the DMS Vendor Bid System (VBS). It is the prospective contractor's responsibility to check periodically for any information updates to the solicitation which are posted to the VBS. The Department of Military Affairs bears no responsibility for any delays, or resulting impacts, associated with a prospective contractor's failure to obtain information made available through the DMS Vendor Bid System.

#### MANDATORY PRE-BID MEETING

DATE AND TIME: September 6, 2007 at 2:00 p.m. (Local Time)

PLACE: Camp Blanding Post Headquarters, Building 2300, Command Conference Room, Starke, Florida 32091

All interested parties should call Mrs. Bobbie Smith at (904)823-0256 to be placed on the access list by September 5, 2007 before 4:30 p.m.. All General Contractors interested in bidding on this project are required to attend this pre-bid meeting.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: September 20, 2007, Until 10:00 a.m. (Local Time)

PLACE: Camp Blanding Post Headquarters, Command Conference Room, Building 2300, Starke, Florida 32091

**BIDS/RESPONSES TRANSMITTED ELECTRONICALLY WILL NOT BE CONSIDERED. BIDS/RESPONSES RECEIVED AT THE LOCATION DESIGNATED AFTER THE EXACT TIME SPECIFIED FOR RECEIPT WILL NOT BE CONSIDERED.**

MARK ENVELOPES: SEALED BID for Project Numbers 207048 and 207049, Buildings 3500 and 3510 Additions, Remodeling and Renovations, Camp Blanding Joint Training Center, Starke, Florida 32091, Attn: Michele M. Dobbs (904)823-0255/0256.

Bids submitted prior to the bid opening via courier or mail must be delivered to: State of Florida, Department of Military Affairs, 2305 State Road 207, St. Augustine, Florida 32086 Marked as above. Bids must be received by this office NO LATER THAN Close of Business September 19, 2007.

**BID/PROPOSAL:** All responses must be submitted in a sealed package and shall be clearly marked on the outside of package with the above information. Department of Military Affairs is not responsible for the opening of any solicitation package which is not properly marked. It is the respondent's responsibility to assure its response is submitted in the place and time indicated in this solicitation. Also, all responses must be in full in accordance with the requirements of the Drawings, Specifications, Bidding Conditions and Contractual Conditions, and Non-Technical Specifications, which have been prepared by the Engineer as listed, and may be obtained as follows:

**ARCHITECT-ENGINEER:** Ebert Norman Brady (ENB) Architects – Mr. Tom Norman

**TELEPHONE:** (904)241-9997

Make all checks or money orders payable to: Ebert Norman Brady Architects No Credit cards are accepted.

**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 \$150.00 per set.

**CONTRACT AWARD:** Contract Award will be on Base Bid items only. The official Notice of Award Recommendation will be by electronic posting on the Department's website at [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu).

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. If no protest is filed, the contract will be awarded to the qualified, responsible and responsive low bidder in accordance with Chapter 60D-5, F.A.C., by the Owner.

MINORITY PROGRAM: Minority Business Enterprises (MBE) are encouraged to participate in this Invitation to Bid. Utilization of MBE participation is highly encouraged from all Bidders. MBE's must be certified by the Office of Supplier Diversity.

The Non-Technical Specifications Level IV and V are considered to be applicable to this solicitation and award of contract when made and are made a part hereof.

The State of Florida, through the Department of Management Services, has instituted MyFloridaMarketPlace, a statewide e-procurement system. Pursuant to subsection 60A-1.032(1), Florida Administrative Code, this contract shall be exempt from the one percent (1%) transaction fee.

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.

NO VERBAL STATEMENTS MADE BY ANY STATE OF FLORIDA EMPLOYEE OR AGENCY REPRESENTATIVE WILL OPERATE TO SUPERSEDE INFORMATION PUBLISHED IN THIS SOLICITATION. ONLY WRITTEN ADDENDUMS ISSUED BY THE DEPARTMENT OF MILITARY AFFAIRS CONSTRUCTION AND FACILITY

MANAGEMENT OFFICE OR ITS REPRESENTATIVES WILL OPERATE TO ALTER OR OTHERWISE AMEND THIS SOLICITATION.

Please view the entire solicitation and any supporting documentation on the MyFlorida.com website at Vendor Bid System (VBS) [http://fcn.state.fl.us/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu), under Department of Military Affairs Invitation to Bid.

**PETER R. BROWN CONSTRUCTION, INC.**

Notice of Request for Proposals  
 Imperial Polk County B.O.C.C.  
 Phase 2 South County Jail Expansion  
 Frostproof, Florida

Peter R. Brown Construction, Inc. (CGC-061419), the Construction Manager for the Imperial Polk County B.O.C.C., Phase 2 South County Jail Expansion (Site Development, Housing Buildings and Kitchen Building) hereby solicits sealed proposals for the following trades for the referenced project in accordance with the proposal documents to include but not limited to the following:

01B	Final Cleaning	08C	Overhead Coiling	11C	Food Service Equipment
02A	Site Work	09A	Doors Security Plaster	13A	Pre-Engineered Metal Building
02C	Fencing	09D	Acoustical Treatment		
02C	Landscaping	09E	VCT Flooring	14A	Elevators
03A	Cast-in-place & Tilt-wall Panels	09F	Resinous Flooring	14B	Material Hoisting Equipment
03C	Hollow Core Slabs	09G	Painting	15A	Fire Sprinkler System
04A	Masonry	10A	Miscellaneous Accessories	15B	Plumbing
05A	Structural & Miscellaneous Steel	10B	Architectural & Security Louvers	15C	HVAC
06A	Cabinets	10C	Interior Signs	16A	Electrical & Low Voltage Systems
07A	Roofing	11A	Projection Screens		
07B	Waterproofing & Joint Sealants	11B	Detention Equipment & Systems		

A pre-proposal meeting for this project will be held Thursday September 13, 2007, the time and location of this meeting will be included in the Proposal Packages.

Deadline for receipt of All Proposal Packages has been set for 2:00 P.M. on Thursday September 27, 2007. Only proposals received on or before the time and date listed will be considered. All proposals received after 2:00 p.m., of the day specified above, will be returned unopened.

All interested subcontractors must be pre-qualified or have completed the pre-qualification process within the last year. Please contact the following person to obtain information or documents about the pre-qualification requirements for this project:

Jenny Sanchez, Estimator  
 Phone: (727)535-6407 – Fax: (727)539-8485

This project will be performed inside the existing perimeter fencing. All personnel will require approval by the Polk County Sherriff's Office prior to entry including but not limited to background checks.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. are committed to provide equal opportunity and strongly encourage all interested M/WBE and SBE firms to submit proposals.

One set of plans and specifications will be supplied to all pre-qualified trade contractors at no cost. Drawings will be available on or about August 30, 2007. Trade contractors are responsible for the cost of shipping. Additional sets may be purchased directly from the copy center. Copy center information will be distributed with the Proposal Packages.

Imperial Polk County B.O.C.C. and Peter R. Brown Construction, Inc. reserve the right to accept or reject any and all proposals in whole or part and to waive informalities and irregularities.

No verbal instruction or directives will be accepted regarding this project during the proposal period. All instructions or directives must be clarified through written Addenda or Supplements. All questions regarding the work should be directed to the Construction Manager, in writing by September 19, 2007. The Owner and Architect will not accept calls regarding this project.

## VISIT FLORIDA

### Invitation to Negotiate

#### Introduction

VISIT FLORIDA's pursuit of additional marketing funding during the most recent legislative session resulted in an allocation of \$33.35 million. Although short of its full funding goal, a significant opportunity, in the form of an additional \$8.65 million, now exists to demonstrate the larger impact of desired funding levels should they be made available in the future.

VISIT FLORIDA's committee structure recently endorsed a plan to allocate up to \$1.35 million of the \$8.65 million Legislative funding toward programs that will fill gaps in the existing marketing plan, as well as demonstrate the effectiveness of appropriate levels of funding when focused on key feeder markets. In addition, the industry has strongly encouraged VISIT FLORIDA to allocate the largest possible portion of the remaining monies toward broadcast network television campaign, a first for VISIT FLORIDA, utilizing recently produced television commercials.

#### Program Goals

VISIT FLORIDA seeks to implement an integrated marketing program that expends \$7.3 million in currently uncommitted funds. From these available funds, \$4.3 million are to be allocated toward a broadcast network television media plan. The plan(s) sought in this Invitation to Negotiate (ITN) process should deliver a return on investment no less than \$10 million in estimated travel-related sales tax revenue realized during the 2008 calendar year as measured by recognized industry research methods.

#### Restrictions and Mandatories

It is critical to note that \$3 million of the \$7.3 million is earmarked by proviso language put in place by the Legislature when awarding VISIT FLORIDA the additional funds. The portion of the program using proviso funds must satisfy the mandatory requirements identified below:

The program must be completed during the 2007-2008 fiscal year, which begins on July 1, 2007 and ends June 30, 2008;

The program must be considered "innovative," defined as not having been implemented by VISIT FLORIDA in previous years' marketing plans (e.g., broadcast network television);

The program must exclusively support tourism marketing, including both advertising and marketing elements. Funds may not be allocated for infrastructure development or non-tourism categories, such as real estate development;

The primary target of the program must be non-Florida residents;

The program must be provided by one or more Florida-based companies;

The program must cost at least \$3,000,000, but should not exceed \$3,050,000.

#### Provision for Budget Reductions

It is important to note that this Invitation to Negotiate is distributed during a tenuous period in the state's funding environment. Recently, Governor Crist has called for a one-percent holdback per quarter. VISIT FLORIDA deems it prudent to anticipate even deeper cuts depending on the outcome of the Special Legislative Session this fall. As a result, all proposals should reflect flexibility to accommodate 4% and 10% (or more) holdbacks.

#### Return on Investment/Measurement

As a path to a demonstrated return on investment of \$10 million, three primary marketing outcomes are consistent with the VISIT FLORIDA strategic plan and annual marketing plan: (1) increased traffic to the consumer web site as the primary fulfillment mechanism, (2) increased intent to vacation/visit, and ultimately (3) increased visitation to the Sunshine State.

#### Process

This review of proposals and subsequent negotiations to secure the necessary services to execute a final program targets completion by the week of October 15, 2007. Additional detail on the timeline is provided under the Process Timeline. Proposals submitted for consideration in this review process must be from Florida-based agencies (i.e., agencies maintaining an adequate and competent professional staff within the state of Florida) and address, to the greatest extent possible, each item listed in the Requirements section of this document.

A written Notice of Intent to Submit must be received by August 22, 2007. The notice should be e-mailed as an attachment to Cliff Nilson, General Counsel, at [cnilson@VISITFLORIDA.org](mailto:cnilson@VISITFLORIDA.org). A return e-mail acknowledgment will be issued by VISIT FLORIDA, which

will serve as confirmation of receipt. The Notice of Intent to Submit is non-binding; however, it ensures the receipt of all addenda and exhibits related to this review process. Proposals will be accepted only from applicants who submitted a timely Notice of Intent to Submit.

All proposers wishing clarification of elements in this document must submit questions via e-mail to VISIT FLORIDA as prescribed under Review Process Timeline no later than 5:00 p.m. on August 31, 2007 Eastern Daylight Savings Time. All questions posed by firms submitting a "letter of intent to submit" will be tabulated with collective answers and sent back to all bidders.

Costs for developing proposals are entirely the responsibility of the proposer and shall not be reimbursed by VISIT FLORIDA. All proposals received by VISIT FLORIDA in response to this process will be evaluated by a committee consisting of select VISIT FLORIDA senior management. A consensus decision will be reached by the committee and communicated to all proposers according to the prescribed timeline.

The quality and value of successful proposal(s) will qualify authoring company(ies) to enter into negotiations with VISIT FLORIDA. The invitation to negotiate (ITN) does not guarantee the awarding of a contract, rather it allows both parties to engage in confidential negotiations toward a mutually beneficial relationship. VISIT FLORIDA reserves the right to negotiate with multiple agencies should contracting for individual service categories be desirable. In the event that negotiations fail to realize a binding contract, VISIT FLORIDA retains the right to re-open negotiations with other qualified proposers until a mutually beneficial relationship is secured.

VISIT FLORIDA reserves the right to reject any and all proposals at its sole discretion. This ITN is an invitation to negotiate and is for discussion purposes only. It is neither an offer, contract nor agreement of any kind. VISIT FLORIDA reserves the right to negotiate concurrently or separately with competing offerors. VISIT FLORIDA reserves the right to waive minor irregularities in proposals and replies and clarifications.

Additionally, as a private corporation and by specific statutory exemption, VIST FLORIDA, is not bound by the provisions of Chapter 287, Florida Statutes, relating to procurement.

#### Requirements

Submissions must demonstrate the proposed program's alignment with the mandatory requirements identified below:

1. The total program cost may not exceed \$7.3 million and should be allocated in such a way to create an integrated approach in alignment with the VISIT FLORIDA 2007-2008 marketing plan objectives and goals;
2. A minimum of \$4.3 million of the funds should secure broadcast network television media;

3. The proposals must include a component that addresses the \$3 million proviso language as discussed above;

If the proposer intends to provide services through a joint venture or ventures, the nature of these ventures must be clearly set forth in the proposal. This would include identifying and describing the role of major subcontractors intended to be engaged in fulfillment of the proposal.

As an addendum to all proposals, sponsoring companies must submit three-year audited financials demonstrating solid financial standing as evaluated by VISIT FLORIDA's chief financial officer. The final contract is subject to standard and customary contractual conditions as required by VISIT FLORIDA.

#### Background

VISIT FLORIDA is a public/private partnership operating as a 501 (c6) private company and is responsible for the marketing of tourism to and within Florida. With the brand promise as the state's trusted source for travel planning, VISIT FLORIDA leverages integrated marketing domestically and internationally.

VISIT FLORIDA's goals are to increase the economic impact of tourism to and through Florida by:

1. Increasing the number of visitors to and within Florida;
2. Increasing the average length of a stay;
3. Increasing repeat visitation;
4. Increasing the activity level of visitors once inside the state.

However, directly measuring VISIT FLORIDA's return on investment with regard to the four goals listed above is difficult. Therefore, in addition to the goals listed above, VISIT FLORIDA is seeking a marketing partner who can help achieve the following benchmarks in alignment with its strategic plan through the integrated program described in this document:

1. Increase the number of annual visitors who utilize VISIT FLORIDA as a planning resource;
2. Increase the percentage of the persons who recognize VISIT FLORIDA as "the trusted source for vacation or meeting planning";
3. Increase the economic impact gain through marketing initiatives by VISIT FLORIDA and its industry Partners.

Note that the word "partner" is used by VISIT FLORIDA in two principal ways. We prefer to use the word "partner" with a lower case "p"-rather than "vendor" to describe valued organizations with whom we do business. We capitalize the word "Partner" as the preferred way of referring to our membership base, now numbering more than 3,400.

In working to achieve the goals above, VISIT FLORIDA represents the umbrella brand: the Florida vacation and meeting experience. We do this through "dedicated" marketing efforts that focus exclusively on our umbrella messaging which aims to create demand for the Florida experience.



However, a considerable portion (approximately 55%) of our annual marketing budget is expended in two forms of cooperative marketing efforts that create opportunities for our Partners who buy-in to programs under the VISIT FLORIDA umbrella branding. Through traditional co-op programs, VISIT FLORIDA will buy down the cost of a marketing opportunity so that the Partners can buy into portions of the program. VISIT FLORIDA's brand and call to action are present, but Partners messages are the dominant message featured. In "sanctioned" co-op programs, media outlets and marketing partners offer discounted rates to VISIT FLORIDA Partners in the absence of a direct buy-in from VISIT FLORIDA. In these cases, it is the access to the Partner base and the meaning of "sanctioned co-op" that creates value for the marketing partner. As in traditional co-op programs, VISIT FLORIDA's brand and call to action are present, but Partners' messages are also featured in sanctioned co-op programs.

Process Timeline

Proposals will be reviewed by an internal committee comprised of VISIT FLORIDA senior staff toward prioritizing a recommendation for review by its industry committee structure, which will subsequently forward its endorsement for action by Board of Directors on or about September 20, 2007.

- August 14, 2007: Invitation to Negotiate issued.
- August 22: Interested parties must express their intent to submit a proposal by 5:00 p.m. via e-mail to Cliff Nilson: [cnilson@VISITFLORIDA.org](mailto:cnilson@VISITFLORIDA.org).
- August 27 – August 31: Questions may be submitted to Cliff Nilson via e-mail: [cnilson@VISITFLORIDA.org](mailto:cnilson@VISITFLORIDA.org).
- September 5: Responses to all questions received by all parties will be shared with all parties who expressed intent. Answers will be distributed via e-mail by 5:00 p.m.
- September 21: Six (6) hard copies of proposals due at VISIT FLORIDA Tallahassee office by 5:00 p.m. E-mail and fax delivery will not be accepted. Send submissions to Cliff Nilson, General Counsel, VISIT FLORIDA, 2540 West Executive Center Circle, Suite 200, Tallahassee, FL 32301. Phone: (850)488-5607. Note: This is a new address effective August 31, 2007.

- Week of September 24: Proposals reviewed by staff committee.
- Week of October 1: Recommendation forwarded to Advertising & Internet Committee.
- Week of October 8: Recommendation forwarded to Marketing Council Steering Committee (MCSC).
- Week of October 8: Decision endorsed by Executive Committee of Board of Directors. Final negotiations and contract development with ITN finalist.
- TBD: Final announcement communicated to all ITN participants pending successful contract completion.

**C. R. KLEWIN SOUTHEAST, INC.**

Notice of Bid/Request for Proposal

C.R. Klewin Southeast, Inc. – Construction Manager for Florida Atlantic University requests Trade Contractor / Material Supplier bids for the construction of Port St. Lucie Partner Classroom Facility BT-623.

Sealed bids will be received at 701 Northpoint Parkway, Suite 318, West Palm Beach, Florida 33407, until 5:00 p.m., October 3, 2007. Bidding Documents will be available on or about September 3, 2007.

A pre-construction bid conference will be conducted at the Project site – 500 N. W. California Blvd., Port St. Lucie, Florida 34986, date and time to be determined.

The Project scope includes construction of a new 30,623 s.f. two story classroom building and related site work.

Requests for Bid Documents / Questions should be directed to Dan Swinarski, Sr. Estimator at (561)683-5400 or Faxed to (561)683-5076.

One set of bidding documents may be obtained per Pre Qualified Trade Contractor / Material Supplier at no cost.

C.R. Klewin Southeast, Inc. is committed to providing equal opportunities and encourage all certified M/WBE – SBE Trade Contractors / Material Suppliers to bid.

The Construction Manager reserves the right to reject any or all bids, waive informalities in any bid, make award in whole or part and make award it deem to be in the best interest of the Project.

**Section XII  
Miscellaneous**

**DEPARTMENT OF COMMUNITY AFFAIRS**

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA VILLAGE OF  
ISLANDS ORDINANCE NO. 07-11

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**AMENDED FINAL ORDER**

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), rejecting a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

**FINDINGS OF FACT**

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On May 22, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-11 ("Ord. No. 07-11") adopted by the Village on May 10, 2007.
3. The purpose of the Ordinance is to amend Section 30-32, "Specific Definitions" of the Village Code with respect to the definition of a room, hotel, or motel; and further amending Article V "Schedule of District Use and Development Standards," Division VII "Off-Street Parking, Loading and Driveway Standards," Section 30-852 "Off-Street Parking" of the Village Code, and Modifying the Parking Requirements of Hotel or Motel Rooms.
4. The existing definition of a room, hotel or motel is found in Section 30-32 and means a unit in a public lodging establishment as defined by F.S. § 509.013(4)(a) intended for transient lodging only for periods not exceeding 30 days. Transient occupancy shall conform to the definition contained in F.S. § 509.103(8) as to transient occupancy. For the purpose of density restriction under this chapter:
  - (1) Hotel or motel rooms may be a single room or a suite and may include a kitchen but no more than 1 1/2 bathrooms;
  - (2) All entrances to a hotel or motel room shall share the same key or means of controlling access so that the hotel or motel room as defined herein is not divisible into separately rentable units; and
  - (3) Suites containing more than one bedroom and 1 1/2 baths may be constructed; however, each bedroom/full bath combination shall be considered a hotel/motel unit.

5. The proposed amendment is changing the definition of a hotel/motel room from a unit defined as each bedroom/full bath combination to a unit that can be up to two (2), or three (3) bedrooms, with up to two (2) full bathrooms and one-half bathroom with one (1) kitchen, and one (1) additional living area (excluding bedrooms), not exceeding 2,000 square feet of habitable floor area, provided that the average habitable floor area of all hotel or motel units on the property does not exceed 1,500 square feet.
6. Data and analysis has not been provided to evaluate the net change in maximum potential development for the approximate 1,400 existing hotel and motel units within the Village, the net potential change of density and intensity, the potential impacts to hurricane evacuation as well as potential impacts on potable water supply or the potential impacts to affordable housing/work force housing from the proposed redevelopment of hotels and motels within the Village.
7. The proposed amendment is contrary to the Village Comprehensive Plan Policy 1-2.1.10 "Restrict Development of New Transient Units" which states that "Islamorada, Village of Islands shall cap the number of new transient units at the number of current hotel and motel rooms, campground and recreational vehicle spaces." The proposed amendment would allow for the conversion of an existing one bedroom, one bath hotel unit to a two bedroom, two bath unit with no equivalency redevelopment reduction. An existing one bedroom, one bath, and two bedroom, one bath hotel unit may be redeveloped to a 2,000 square foot three bedroom, two and one-half bath hotel/motel unit with a ninety (90) percent conversion factor.
8. The proposed amendment increases the number of required parking spaces from 1 space per room up to 1.2 spaces for two bedroom units and 1.5 spaces for three bedroom hotel/motel units to accommodate additional vehicles staying at the redeveloped hotel/motel units with an average habitable floor area of 1,500 square feet. The increase in size of the redeveloped hotel and motel units along with the increased required number of parking spaces necessary to accommodate additional vehicles may negatively impact hurricane evacuation clearance times.

**CONCLUSIONS OF LAW**

9. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
10. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.

11. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 07-11 are land development regulations.
12. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2006). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
13. Ord. 07-11 is inconsistent with the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (d) To ensure the maximum well-being of the Florida Keys and its citizens through sound economic development.
  - (j) To make available adequate affordable housing for all sectors of the population of the Florida.
  - (l) To protect the public health, safety, and welfare of the citizens of the Florida Keys and maintain the Florida Keys as a unique Florida Resource.
14. Ordinance 07-11 is neutral in effect on the remaining Principles.
15. Ordinance 07-11 has not demonstrated consistency with the following provisions of the Islamorada, Village of Islands Comprehensive Plan:
 

Policy 1-2.1.10: Restrict Development of New Transient Units, Islamorada shall cap the number of new transient units at the number of current and vested hotel and motel rooms, campground and recreational vehicle spaces existing within the Village as of December 6, 2001.

Policy 2-1.6.3: Adopt a 24 Hour Hurricane Evacuation Time for the Florida Keys.

Policy 3-1.1.8: Mandate Provision of Employee Housing for developers of new or expanded businesses.

Policy 1-2.2.4: Uses that are Non-Conforming Due to Density if legally permitted may be redeveloped to the same density. The Director of Community Planning and Development Services may consider a reduction of any of the applicable regulations upon a finding that the reduction is consistent with the Village Comprehensive Plan.

Policy 1-2.2.6: Enlargement or Extension to Non-Conforming Structures, if any of the existing hotel/motel rooms are non-conforming structures, they may not be expanded or redeveloped with improvements that constitute a substantial improvement.

WHEREFORE, IT IS ORDERED that Ord. 07-11 is found to be inconsistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby REJECTED.

This Order becomes effective 21 days after publication in the F.A.W. unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR IN ACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 14th day of August, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Dave Boerner, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
James White, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
In re: A LAND DEVELOPMENT REGULATION  
ADOPTED BY ISLAMORADA, VILLAGE OF  
ISLANDS  
ORDINANCE NO. 07-13

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by a local government within the Florida Keys Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The Florida Keys Area is a statutorily designated area of critical state concern, and Islamorada, Village of Islands is a local government within the Florida Keys Area.
2. On June 1, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-13 ("Ord. No. 07-13") adopted by the Village on May 24, 2007.
3. The purpose of the Ordinance is to amend the Village Code's affordable housing Section 30-32 "specific definitions" as follows: For all residential dwelling units having deed restrictions recorded before January 1, 2007, where monthly rent, not including utilities, or monthly mortgage payment (including taxes and insurance, but not including utilities), does not exceed 30 percent of that amount which represents 120 percent of the monthly median household income for Monroe County, to be enforced by recording of a deed restriction which shall run with and bind the dwelling unit and all subsequent owners of the dwelling unit for a term of 20 years from the date of recording. For all residential dwelling units having deed restrictions recorded on or after January 1, 2007, the deed restriction shall run with and bind the dwelling unit and all subsequent owners of the dwelling unit for a term of 30 years from the date of recording, after which time the restriction shall be extended automatically for successive periods of ten years each.

4. Ord. 07-13 is consistent with the Village Comprehensive Plan.

CONCLUSIONS OF LAW

5. The Department is required to approve or reject land development regulations or portions thereof that are enacted, amended, or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
6. Islamorada, Village of Islands is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006), and Rule 28-29.002 (superseding Chapter 27F-8), Fla. Admin. Code.
7. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 07-13 are land development regulations.
8. All land development regulations enacted, amended or rescinded within an area of critical state concern must be consistent with the Principles for Guiding Development (the "Principles") as set forth in § 380.0552(7), Fla. Stat. (2006). See *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions.
9. Ord. 07-13 promotes and furthers the following Principles:
  - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
  - (j) To make available adequate affordable housing for all sectors of the population of the Florida Keys.
10. Ord. 07-13 is not inconsistent with the remaining Principles. Ord. 07-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-13 is found to be consistent with the Principles for Guiding Development of the Florida Keys Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE

ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

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THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL

PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

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YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CHARLES GAUTHIER, AICP  
Director, Division of Community Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned Agency Clerk of the Department of Community Affairs, and that true and correct copies have been furnished to the persons listed below by the method indicated this 10th day of August, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:  
Honorable Dave Boerner, Mayor  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Beverly Raddatz, Village Clerk  
Islamorada, Village of Islands  
Post Office Box 568  
Islamorada, FL 33036

Nina Boniske, Esq.  
James White, Esq.  
Weiss Serota Helfman Pastoriza  
Guedes Cole & Boniske, P.A.  
3107 Stirling Drive, Suite 300  
Fort Lauderdale, FL 33312-8500

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Cobra Scooters, LLC, intends to allow the establishment of Austin Global Enterprises d/b/a New Scooters 4 Less, as a dealership for the sale of motorcycles manufactured by Taiwan Golden Bee (TAIW) at 118 Northwest 14th Avenue, Suite D, Gainesville (Alachua County), Florida 32601, on or after August 6, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Austin Global Enterprises d/b/a New Scooters 4 Less are dealer operator(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601; principal investor(s): Collin Austin, 118 Northwest 14th Avenue, Suite D, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Robert P. Bates, Vice President of Operations, Cobra Powersports, 3939 Royal Drive Northwest, Suite 139, Kennesaw, Georgia 30144.

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, notice is given that Moto Dealer Import, LLC, intends to allow the establishment of Florida Scooter Source, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai

JMSTAR Motorcycle Co. Ltd. (JMST) at 4300 South Frontage Road, Suite 5, Lakeland (Polk County), Florida 33815, on or after August 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Florida Scooter Source, Inc. are dealer operator(s): Tracy O'Dall, 4300 South Frontage Road, Suite 5, Lakeland, Florida 33815; principal investor(s): Tracy O'Dall, 4300 South Frontage Road, Suite 5, Lakeland, Florida 33815.

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, 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: Caesar Guan, Manager, Moto Dealer Import, LLC, 4998-B South Royal Atlanta Drive, Tucker, Georgia 30084.

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.

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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, notice is given that New Era Trans, Inc., intends to allow the establishment of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot, as a dealership for the sale of Zhejiang Xingyue (ZXYV) motorcycles at 5720 North Florida Avenue, #2, Tampa ( Hillsborough County), Florida 33604, on or after July 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mobility Tech, Inc. d/b/a Charlie's Scooter Depot 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 and Zenaida 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, 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: Zev Kraiem, New Era Trans, Inc., 3350 Lawson Boulevard, Oceanside, New York 11572.

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.

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**NOTICE OF WITHDRAWAL**

Notice is hereby given that the publication of West Palm Nissan for relocation as a franchise dealership for the sale of Nissan vehicles in Palm Beach County by Nissan North America, Inc., published in Vol. 33, No. 32, pp. 3731 of the F.A.W., on August 10, 2007, has been withdrawn.

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**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."

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**DEPARTMENT OF BUSINESS AND PROFESSIONAL  
REGULATION**

PLEASE NOTE THE INSTRUCTIONS FOR FILING APPLICATIONS FOR THE NEW QUOTA LICENSE DRAWINGS HAS CHANGED. THE APPLICATION PERIOD IS NOW OPEN FOR 45 DAYS AND APPLICATIONS MUST BE RECEIVED BY THE DIVISION BY CLSOE OF BUSINESS ON OCTOBER 3, 2007.

The Division of Alcoholic Beverages and Tobacco, Department of Business and Professional Regulation, announces it will be accepting applications for inclusion in the drawing for new quota liquor licenses beginning August 20, 2007, and continuing through October 3, 2007 for the following counties and amounts: BAY (1), BREVARD (2),

BROWARD (2), CHARLOTTE (1), CLAY (1)\*, COLLIER (1), DADE (4)\*, DUVAL (3), ESCAMBIA (1), FLAGLER (1), HIGHLANDS (2)\*, HILLSBOROUGH (5), INDIAN RIVER (1), LEE (5), MANATEE (1), MARION (1), MARTIN (1), ORANGE (5), OSCEOLA (3), PALM BEACH (3), PASCO (2), POLK (7)\*, ST JOHNS (1), ST LUCIE (2), SANTA ROSA (1), SARASOTA (1), SEMINOLE (1), SUMTER (1), VOLUSIA (1), WAKULLA (1), WALTON (1)

DBPR ABT-6033 is the only application that will be accepted for filing into these drawings. All other application forms from prior drawings will be denied. All interested persons should contact the Division's district office serving their area of interest or visit the Division's Internet website at [www.myflorida.com/dbpr/abt](http://www.myflorida.com/dbpr/abt) to obtain the proper application form. \*One (1) or more revoked licenses re-issued pursuant to Section 561.19(2)(a), F.S.

Further information may also be obtained by calling: (850)488-8284 or writing to Division of Alcoholic Beverages and Tobacco, Bureau of Licensing, New Quota License Drawing, 1940 North Monroe Street, Tallahassee, FL 32399-1021.

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## 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."

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### NOTICE OF INTENT TO ISSUE PROPOSED

#### MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of intent to modify the Power Plant Conditions of Certification issued pursuant to the Florida Electrical Power Plant Siting Act, Chapter 403.501 et seq., Florida Statutes, concerning the C.D. McIntosh, Jr. Power Plant, Power Plant Siting Application No. PA74-06L, OGC Case No. 07-0303. On December 29, 2007, the Department received an application to modify the Conditions of Certification for C.D. McIntosh, Jr. Power Plant from City of Lakeland pursuant to Section 403.516(1)(c), Florida Statutes, to upgrade and replace structures and facilities within the Lake Agnes to Osceola Segment of the Lakeland-Taft transmission line. A copy of the proposed modification may be obtained by contacting Michael P. Halpin, P.E., Administrator, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.516(1)(c)2., Florida Statutes, parties to the certification proceeding have 45 days from issuance of notice to such party's last address of record in which to object to the requested modification. Failure of any of the parties to file a response will constitute a waiver of objection to the requested modification. Any person who is not already a party to the

certification proceeding and whose substantial interest is affected by the requested modification has 30 days from the date of publication of this public notice to object in writing. The written objection must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, M.S. 35, Tallahassee, Florida 32399-3000. If no objections are received, then a Final Order approving the modification shall be issued by the Department. If objections are raised and agreement can not be reached, then pursuant to Chapter 62-17.211, Florida Administrative Code, the applicant may file a petition for modification seeking approval of those portions of the request for modification to which written objections were timely filed. Mediation is not available in this proceeding.

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### FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://appprod.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

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## DEPARTMENT OF HEALTH

On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kimberly A. Mueller, L.M.T., license number MA 40118. 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 August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Ada Lorraine Allen, L.P.N., license number PN 1350441. 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 August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Wendy Kay Brooks, L.P.N., license number PN 1087111. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Jane Ann Kelly, R.N., license number RN 9184139. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Richard Gardner, M.D., license number ME 13623. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Kathleen Mary Flatau, R.N., license number RN 3396432. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Loraine Terese Gabbard, L.P.N., license number PN 1113201.

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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Linda Geiselman, R.N., license number RN 1966512. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Patti Jean Prier-Spurry, R.N., license number RN 9238142. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of James J. Petrola, D.O., license number OS 7579. 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.

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On August 10, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Nick Konstantinou, C.R.T., license number CRT 8220. 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.

**FLORIDA HOUSING FINANCE CORPORATION**

The Florida Housing Finance Corporation (“Florida Housing”) announces the availability of funds for the Homeownership Pool (HOP) Program.

It is anticipated that approximately \$10,000,000 in funding will be made available to eligible homebuyers under this program. Funding will be awarded in accordance with Rule Chapter 67-57, Florida Administrative Code (F.A.C.).

The following set-asides will apply:

- 15% Community Housing Development Organizations (CHDOs)
- 10% Self-Help Housing
- 50% Non-Participating Jurisdictions (Non-PJs)
- 25% Participating Jurisdictions (PJs)

Funding will be made available under these set-asides, in the order listed above as applicable, in the form of reservations for eligible homebuyers on a first-come, first-served basis. Any unreserved funds may be reallocated as necessary.

For more information on the HOP Program, including Rule Chapter 67-57, F.A.C., please access Florida Housing’s website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP/default.htm> or contact Bridget Warring at (850)488-4197. If you are hearing or speech impaired, please contact Florida Housing using the dual Party Relay System at 1(800)955-8770 or 1(800)955-8771.

**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., September 14, 2007):

**APPLICATION TO ACQUIRE CONTROL**

Financial Institution to be Acquired: TotalBank (Total BancShares Corp.), Miami, Florida

Proposed Purchaser: Banco Popular Español S.A., Madrid, Spain

Received: August 10, 2007

**REQUEST FOR MODIFICATION OF CHARTER APPROVAL ORDER**

Name and Address of Applicant: Floridian Community Bank, Inc., 5599 South University Drive, Davie, Florida 33328

Requested Agency Action: The Petitioner has requested the agency modify the Corrected Final Order of Approval on the Application to Organize Floridian Community Bank, Admin. File No. 4093-B-2/02, dated April 1, 2002. The Order included a condition stating: “That the proposed Director of Marketing, Joanne P. Gaines, will not serve as an executive officer or director of the proposed bank.” The Petitioner requests modification of the Order to allow Joanne P. Gaines to be a director of Floridian Community Bank.

Received: July 16, 2007

**Section XIII**  
**Index to Rules Filed During Preceding Week**

RULES FILED BETWEEN August 6, 2007  
 and August 10, 2007

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Plant Industry**

5B-63.001	8/8/07	8/28/07	32/48	33/22
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**Division of Agricultural Environmental Services**

5E-1.003	8/8/07	12/31/07	33/9	33/18
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**DEPARTMENT OF CORRECTIONS**

33-103.019	8/7/07	8/27/07	33/27	
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**WATER MANAGEMENT DISTRICTS**

**South Florida Water Management District**

40E-7.669	8/9/07	8/29/07	33/21	
40E-7.670	8/9/07	8/29/07	33/21	
40E-7.674	8/9/07	8/29/07	33/21	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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**DEPARTMENT OF THE LOTTERY**

53ER07-51	8/8/07	8/28/07	33/26	
53ER07-52	8/8/07	8/28/07	33/26	

**AGENCY FOR HEALTH CARE ADMINISTRATION  
 Medicaid Program Office**

59G-6.010	8/6/07	8/26/07	33/13	33/18
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**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

62-505.200	8/10/07	8/30/07	33/23	
62-505.300	8/10/07	8/30/07	33/23	
62-505.350	8/10/07	8/30/07	33/23	
62-505.600	8/10/07	8/30/07	33/23	

**DEPARTMENT OF HEALTH**

**Board of Clinical Social Work, Marriage and Family**

64B4-11.007	8/8/07	8/28/07	33/15	33/26
64B4-21.007	8/8/07	8/28/07	33/15	33/26
64B4-31.007	8/8/07	8/28/07	33/15	33/26

**Board of Speech-Language Pathology and Audiology**

64B20-7.001	8/8/07	8/28/07	33/26	
64B20-7.004	8/8/07	8/28/07	33/26	