

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.0014 Comprehensive Management
 Information System

PURPOSE AND EFFECT: The purpose of the rule development is to revise the schedule for district submission of amendments to student membership survey data via the statewide comprehensive management information system in order to allow data values to be finalized in a more timely manner. The effect will be the establishment of firm calendared deadlines for amendments and to provide for final reporting of Florida Education Finance Program Student Membership Survey data in a shorter time period.

SUBJECT AREA TO BE ADDRESSED: Timelines for school districts to finalize data reported via the DOE Student Information Data Base for use in the Florida Education Finance Program calculations.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1011.61, 1011.62(1), 1011.68 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: Lavan Dukes, Education Information Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400; (850)245-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.0014 Comprehensive Management
 Information System

PURPOSE AND EFFECT: The purpose of the rule development is to revise existing requirements of the statewide comprehensive management information system which are necessary in order to implement changes recommended by school districts and to make changes in state reporting and local recordkeeping procedures for state and/or federal programs. The effect is to maintain compatibility among state and local information systems component.

SUBJECT AREA TO BE ADDRESSED: Statewide Comprehensive Management Information System.

SPECIFIC AUTHORITY: 1001.02(1), 1008.385(3) FS.

LAW IMPLEMENTED: 1001.11, 1002.22(3)(d)3., 1008.385(2), 1001.23 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: Lavan Dukes, Education Information Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400; (850)245-0400

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

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:
 6A-1.0451 Florida Education Finance Program
 Student Membership Surveys

PURPOSE AND EFFECT: The purpose of the rule development is to revise the schedule for district submission of amendments to student membership survey data via the statewide comprehensive management information system in order to allow data values to be finalized in a more timely manner. The effect is to establish firm calendared deadlines for amendments, and allow for final reporting of Florida Education Finance Program Student Membership Survey data in a shorter time period. Additionally, the rule will be reviewed to ensure consistency with governing Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Timelines for school districts to finalize data reported via the DOE Student Information Data Base for use in the Florida Education Finance Program calculations.

SPECIFIC AUTHORITY: 1001.02(1) FS.

LAW IMPLEMENTED: 1011.61, 1011.62(1), 1011.68 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: Lavan Dukes, Education Information Services, Department of Education, 325 West Gaines Street, Room 852, Tallahassee, Florida 32399-0400; (850)245-0400

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

DEPARTMENT OF TRANSPORTATION

RULE NO.: 14-46.001
 RULE TITLE: Utilities Installation or Adjustment
 PURPOSE AND EFFECT: The proposed amendment to Rule 14-46.001, F.A.C., is to incorporate by reference a revised Utility Accommodation Manual and revised Utility Permit form. Other documents, which are incorporated by reference, are listed within the text of the rule as opposed to being included as secondary references within the manual.

SUBJECT AREA TO BE ADDRESSED: The Utility Accommodation Manual is being amended.

SPECIFIC AUTHORITY: 334.044(2) FS.

LAW IMPLEMENTED: 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 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:

14-46.001 Utilities Installation or Adjustment.

(1) Purpose. This rule is established to regulate the location and manner for installation and adjustment of utility facilities on any FDOT right of way, in the interest of safety and the protection, utilization, and future development of such rights of way, with due consideration given to public service afforded by adequate and economical utility installations, and to provide procedures for the issuance of permits.

(2) Permits.

(a) The FDOT will issue permits for the construction, alteration, operation, relocation, and maintenance of utilities upon the right of way in conformity with the FDOT *Utility Accommodation Manual*, February 2007, ~~August 2004~~ edition, FDOT Document No. 710-020-001-fe, which is hereby incorporated by reference and made part of this rule, and which supersedes all previous editions. Copies of this document are available from the FDOT ~~Maps and Publications Office via the Office of Roadway Design, Utility Section~~ at 605 Suwannee Street, MS ~~12 32~~, Tallahassee, Florida 32399-0450, or the ~~FDOT Department~~ Utility Web Site: <http://www.dot.state.fl.us/rddesign/utilities/files/utilities.htm>.

(b) The Utility Permit, FDOT Form 710-010-85, Rev. 08/04, is incorporated herein by reference. Copies of FDOT Form 710-010-85, Rev. 08/04, are available from the Department Utility Web Site listed above.

(c) The FDOT *Utility Accommodation Manual*, February 2007, edition includes and modifies the following references:

1. *Policy on Accommodation of Utilities Within Freeway R/W*, prepared by the American Association of State Highway and Transportation Officials (AASHTO) Standing Committee on Highways, February 1989. Copies of this document are available from the AASHTO Bookstore website: <http://bookstore.transportation.org/>.

2. US Department of Transportation Federal Highway Administration Program Guide, *Utility Adjustments and Accommodation on Federal-Aid Highway Projects*, Third Edition, July 1995, prepared by the Federal-Aid and Design Division, Office of Engineering, Federal Highway Administration (FHWA), Publication No. FHWA-PD-95-029. Copies of this document are available from the FDOT Utility Website listed above.

3. *Roadside Design Guide*, published by AASHTO, 2002. Copies of this document are available from the AASHTO Bookstore website: <http://bookstore.transportation.org/>

4. The *Manual on Uniform Traffic Control Devices*, which is incorporated by reference under Rule 14-15.010, F.A.C.

5. AASHTO Design Specification, *Standard Specifications for Structural Supports for Highway Signs, Luminaries and Traffic Signals*, 4th Edition, with 2002, 2003, and 2006 Interims. Copies of this document are available from AASHTO Bookstore website: <https://bookstore.transportation.org/>.

6. American Petroleum Institute Standard 1104. Copies of this document are available from the American Petroleum Institute website: <http://www.api.org>.

7. AASHTO Publication, *A Policy on Geometric Design of Highways and Streets*, 2004, edition. Copies of this document are available from the AASHTO Bookstore website: <https://bookstore.transportation.org/>.

8. FHWA Technical Advisory entitled, *Motor Vehicle Accident Costs*, dated October 31, 1994. Copies of this document are available from the FDOT Utility website listed above.

9. FDOT *Standard Specifications for Road and Bridge Construction*, 2007, effective January 1, 2007. Copies of this document are available from the FDOT Maps and Publications Office at 605 Suwannee Street, MS 12, Tallahassee, Florida 32399-0450.

10. FDOT Design Standards for Design, Construction, Maintenance and Utility Operations on the State Highway System, January 2006. Copies of this document are available from the FDOT Roadway Design Utility website: <http://www.dot.state.fl/rddesign/Design Standards/Standards.htm>.

Specific Authority 334.044(2) FS. Law Implemented 316.006, 334.044, 335.02, 337.401, 337.402, 337.403, 337.405, 339.05 FS. History—New 5-13-70, Amended 8-10-78, 7-22-82, Formerly 14-46.01, Amended 7-5-90, 6-8-93, 10-15-96, 8-30-99, 11-10-05, _____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

PUBLIC SERVICE COMMISSION

RULE NO.: 25-6.0423
 RULE TITLE: Nuclear or Integrated Gasification Combined Cycle Power Plant Cost Recovery

PURPOSE AND EFFECT: The purpose of the rule amendment is to implement Section 366.92, F.S., to promote electric utility investment in Integrated Gasification Combined Cycle (IGCC) power plants by establishing cost recovery mechanisms for IGCC plants paralleling those for nuclear plants. Undocketed.

SUBJECT AREA TO BE ADDRESSED: Recovery of cost associated with the siting, design, licensing, and construction of an IGCC power plant.

SPECIFIC AUTHORITY: 350.127(2), 366.05(1) FS.

LAW IMPLEMENTED: 366.93 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: Kathy Lewis, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6594. E-mail address is klewis@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-6.0423 Nuclear or Integrated Gasification Combined Cycle Power Plant Cost Recovery.

(1) Purpose. The purpose of this rule is to establish alternative cost recovery mechanisms for the recovery of costs incurred in the siting, design, licensing, and construction of nuclear or integrated gasification combined cycle power plants in order to promote electric utility investment in nuclear or integrated gasification combined cycle power plants and allow for the recovery in rates of all such prudently incurred costs.

(2) Definitions. As used in this rule, the following definitions shall apply:

(a) "Nuclear power plant" ~~or "plant"~~ is an electrical power plant that utilizes nuclear materials as fuel, as defined in Sections 403.503(13) and 366.93(1)(c), F.S.

(b) "Integrated gasification combined cycle power plant" is an electrical power plant that uses synthesis gas produced by integrated gasification technology, as defined in Sections 403.503(13) and 366.93(1)(c), F.S.

(c) "Power plant" or "plant" means a nuclear power plant or an integrated gasification combined cycle power plant.

(d)~~(b)~~ "Cost" includes, but is not limited to, all capital investments including rate of return, any applicable taxes and all expenses, including operation and maintenance expenses, related to or resulting from the siting, licensing, design, construction, or operation of the nuclear or integrated gasification combined cycle power plant as defined in Section 366.93(1)(a), F.S.

(e)~~(c)~~ "Site selection." A site will be deemed to be selected upon the filing of a petition for a determination of need for a nuclear or integrated gasification combined cycle power plant pursuant to Section 403.519, F.S.

(f)~~(d)~~ "Site selection costs" are costs that are expended prior to the selection of a site.

(g)~~(e)~~ "Pre-construction costs" are costs that are expended after a site has been selected in preparation for the construction of a nuclear or integrated gasification combined cycle power plant, incurred up to and including the date the utility completes site clearing work.

(h)~~(f)~~ Site selection costs and pre-construction costs include, but are not limited to: any and all costs associated with preparing, reviewing and defending a Combined Operating License (COL) application for a nuclear power plant; costs associated with site and technology selection; costs of engineering, designing, and permitting the nuclear or integrated gasification combined cycle power plant; costs of clearing, grading, and excavation; and costs of on-site construction facilities (i.e., construction offices, warehouses, etc.).

(i)~~(g)~~ "Construction costs" are costs that are expended to construct the nuclear or integrated gasification combined cycle power plant including, but not limited to, the costs of constructing ~~nuclear~~ power plant buildings and all associated permanent structures, equipment and systems.

(3) No change.

(4) Site Selection Costs. After the Commission has issued a final order granting a determination of need for a ~~nuclear~~ power plant pursuant to Section 403.519, F.S., a utility may file a petition for a separate proceeding, to recover prudently incurred site selection costs. This separate proceeding will be limited to only those issues necessary for the determination of prudence and alternative method for recovery of site selection costs of a ~~nuclear~~ power plant.

(5) Pre-Construction Costs and Carrying Costs on Construction Cost Balance. After the Commission has issued a final order granting a determination of need for a ~~nuclear~~ power plant pursuant to Section 403.519, F.S., a utility may petition the Commission for recovery of pre-construction costs and carrying costs of construction cost balance as follows:

(a) through 2. No change.

(b) Carrying Costs on Construction Cost Balance. A utility is entitled to recover, through the utility's Capacity Cost Recovery Clause, the carrying costs on the utility's annual projected construction cost balance associated with the ~~nuclear~~ power plant. The actual carrying costs recovered through the Capacity Cost Recovery Clause shall reduce the allowance for funds used during construction (AFUDC) that would otherwise have been recorded as a cost of construction eligible for future recovery as plant in service.

1. For ~~nuclear~~ power plant need petitions submitted on or before December 31, 2010, the associated carrying costs shall be computed based on the pretax AFUDC rate in effect on June 12, 2007 ~~19, 2006~~;

2. For ~~nuclear~~ power plant need petitions submitted after December 31, 2010, the utility's pretax AFUDC rate in effect at the time the petition for determination of need is filed is presumed to be appropriate unless the Commission determines otherwise in its need determination order;

3. No change.

(c) Capacity Cost Recovery Clause for Nuclear or Integrated Gasification Combined Cycle Power Plant Costs.

1. through 2. No change.

3. The Commission shall include those costs it determines, pursuant to this subsection, to be reasonable or prudent in setting the Capacity Cost Recovery Clause factor in the annual Fuel and Purchased Power Cost Recovery proceedings. Such prior year actual costs associated with ~~nuclear~~ power plant construction subject to the annual proceeding shall not be subject to disallowance or further prudence review.

4. The final true-up for the previous year, actual/estimated true-up for the current year, and subsequent year's projected ~~nuclear~~ power plant costs as approved by the Commission pursuant to subparagraph (5)(c)2. will be included for cost recovery purposes as a component of the following year's capacity cost recovery factor in the Fuel and Purchased Power Cost Recovery. The utility must file all necessary revisions to the fuel and purchased power cost recovery filings no later than October 15 of the current year.

5. By May 1 of each year, along with the filings required by this paragraph, a utility shall submit for Commission review and approval a detailed analysis of the long-term feasibility of completing the power ~~nuclear~~ plant.

(6) Failure to Enter Commercial Service. Following the Commission's issuance of a final order granting a determination of need for the ~~nuclear~~ power plant, in the event the utility elects not to complete or is precluded from

completing construction of the ~~nuclear~~ power plant, the utility shall be allowed to recover all prudent site selection costs, pre-construction costs, and construction costs.

(a) through (b) No change.

(7) Commercial Service. As operating units or systems associated with the ~~nuclear~~ power plant and the ~~nuclear~~ power plant itself are placed in commercial service:

(a) No change.

(b) The utility shall calculate the increase in base rates resulting from the jurisdictional annual base revenue requirements for the ~~nuclear~~ power plant in conjunction with the Capacity Cost Recovery Clause projection filing for the year the ~~nuclear~~ power plant is projected to achieve commercial operation. The increase in base rates will be based on the annualized base revenue requirements for the ~~nuclear~~ power plant for the first 12 months of operations consistent with the cost projections filed in conjunction with the Capacity Cost Recovery Clause projection filing.

(c) At such time as the ~~nuclear~~ power plant is included in base rates, recovery through the Capacity Cost Recovery Clause will cease, except for the difference between actual and projected construction costs as provided in subparagraph (5)(c)4. above.

(d) No change.

(e) The jurisdictional net book value of any existing generating plant that is retired as a result of operation of the ~~nuclear~~ power plant shall be recovered through an increase in base rate charges over a period not to exceed 5 years. At the end of the recovery period, base rates shall be reduced by an amount equal to the increase associated with the recovery of the retired generating plant.

(8) through (e) No change.

(f) Annual Reports Required by Rule 25-6.135, F.A.C. On an annual basis following issuance of the final order granting a determination of need and until commercial operation of the ~~nuclear~~ power plant, a utility shall include the budgeted and actual costs as compared to the estimated in-service costs of the ~~nuclear~~ power plant as provided in the petition for need determination in its annual report filed pursuant to Rule 25-6.135, F.A.C. The estimates provided in the petition for need determination are non-binding estimates. Some costs may be higher than estimated and other costs may be lower. A utility shall provide such revised estimated in-service costs as may be necessary in its annual report.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.93 FS. History--New 4-8-07, Amended _____.

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:

25-22.081 Contents of Petition

PURPOSE AND EFFECT: The purpose of the rule is to implement 2007 changes to Section 403.519, F.S., which require the PSC to consider whether renewable energy sources

and technologies, as well as conservation measures, are utilized to the extent reasonably available when making its determination of need for a proposed electric power plant including an Integrated Gasification Combined Cycle (IGCC) plant. Undocketed.

SUBJECT AREA TO BE ADDRESSED: PSC filing requirements for a petition for determination of need under the Florida Electrical Power Plant Siting Act.

SPECIFIC AUTHORITY: 350.217(2), 366.05(1) FS.

LAW IMPLEMENTED: 403.519 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: Kathy Lewis, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6594. E-mail address is klewis@psc.state.fl.us

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

25-22.081 Contents of Petition.

(1) Petition for Fossil, Integrated Gasification Combined Cycle, or Nuclear Fuel Electric Plants. Petitions submitted to commence a proceeding to determine the need for a proposed fossil, integrated gasification combined cycle, or nuclear fuel electrical power plant or responses to the Commission's order commencing such a proceeding shall comply with the other requirements of Chapter 25-22, F.A.C., as to form and style except that a utility may, at its option, submit its petition in the same format and style as its application for site certification pursuant to Sections 403.501 through 403.517, F.S., so long as the informational requirements of this rule and Chapter 25-22, F.A.C., are satisfied. ~~The petition, to~~ allow the Commission to take into account the need for electric system reliability and integrity, the need for adequate reasonable cost electricity, the need for fuel diversity and supply reliability, ~~and~~ the need to determine whether the proposed plant is the most cost effective alternative available, and the need to determine whether renewable energy sources and technologies, as well as conservation measures, are utilized to the extent reasonably available, the petition shall contain the following information:

(a) through (b) No change.

(c) A statement of the specific conditions, contingencies or other factors which indicate a need for the proposed electrical power plant including the general time within which the generating units will be needed. Documentation shall include historical and forecasted summer and winter peaks, number of customers, net energy for load, and load factors with a discussion of the more critical operating conditions. Load

forecasts shall identify the model or models on which they were based and shall include sufficient detail to permit analysis of the model or models. If a determination is sought on some basis in addition to or in lieu of capacity needs, such as fuel diversity, then detailed analysis and supporting documentation of the projected costs and benefits is required. Where a determination is sought for a nuclear or integrated gasification combined cycle power plant, the nonbinding estimate provided for in paragraph (2)(b) below shall be considered to be sufficient for purposes of this paragraph.

(d) A summary discussion of the major available generating alternatives which were examined and evaluated in arriving at the decision to pursue the proposed generating unit. The discussion shall include a general description of the generating unit alternatives, including purchases where appropriate; and an evaluation of each alternative in terms of economics, reliability, long-term flexibility and usefulness and any other relevant factors such as fuel diversity and fuel supply reliability. These major generating technologies generally available and potentially appropriate for the timing of the proposed plant and other conditions specific to it shall be discussed. In addition, each investor-owned utility shall include a detailed description of the selection process used and a detailed description of the generating unit alternatives proposed by each finalist, if any, selected to participate in subsequent contract negotiations pursuant to Rule 25-22.082, F.A.C. No provision of Rule 25-22.082, F.A.C., shall be applicable to a nuclear or integrated gasification combined cycle power plant sited after June 19, 2006.

(e) through (g) No change.

(2) In addition to complying with paragraphs (1)(a) through (g) above, a nuclear or integrated gasification combined cycle power plant petition shall contain the following information:

(a) The description required by Section 403.519(4)(a)2., F.S., including a discussion about how the proposed nuclear or integrated gasification combined cycle power plant will enhance the electric supply reliability by reducing the exposure to fossil fuel supply disruptions;

(b) A description of and a nonbinding estimate of the cost of the proposed nuclear or integrated gasification combined cycle power plant, including associated transmission facilities;

(c) The annualized base revenue requirement for the first 12 months of operation of the proposed nuclear or integrated gasification combined cycle power plant, based on the nonbinding estimate of the cost provided pursuant to paragraph (2)(b) above; and

(d) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 403.519 FS. History—New 12-22-81, Formerly 25-2.133, 25-22.81, Amended 1-10-94, 2-20-07, _____.

LAND AND WATER ADJUDICATORY COMMISSION

Capital Region Community Development District

RULE NO.: RULE TITLE:

42CC-1.002 Boundary

PURPOSE AND EFFECT: The petition, as revised, was filed by the Capital Region Community Development District (the "District") with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The petition proposes to modify the land area presently serviced by the District by amending its boundary to remove approximately 1,081.55 acres from the District located within the City of Tallahassee and unincorporated Leon County, Florida. The District currently covers approximately 3,286.94 acres of land and after amendment the District will encompass approximately 2,205.39 acres. There are 2 parcels of land located within the proposed contracted boundaries of the District that are to be excluded from the District. The parcels are owned by the Board of Trustees Internal Improvement Trust Fund, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property located within the contraction parcel.

SUBJECT AREA TO BE ADDRESSED: Amend the boundary of the Capital Region Community Development District

SPECIFIC AUTHORITY: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

DATE AND TIME: Tuesday, September 18, 2007, 1:00 p.m.

PLACE: The Capitol, Conference Room 2107, 21st Floor, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Leighty, Office of Policy and Budget, Office of the Governor, Room 1801, The Capitol, Tallahassee, Florida 32399-0001, telephone (850)487-1884

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

DEPARTMENT OF ELDER AFFAIRS

Statewide Public Guardianship Office

RULE NOS.: RULE TITLES:

58M-2.001 Professional Guardian Registration
 58M-2.003 Professional Guardian Coursework and Competency Examination
 58M-2.007 Electronic Fingerprint Criminal History Record Check

PURPOSE AND EFFECT: The purpose of the proposed rule amendments is to revise terminology; delete obsolete language; add a new rule for electronic fingerprint criminal history record check; update the registration form and add a new form for renewal registration.

SUBJECT AREA TO BE ADDRESSED: Professional Guardian Registration, including updating the registration form and introducing a new form for renewal registrations; Professional Guardian coursework and competency examination; and electronic fingerprint criminal history record checks.

SPECIFIC AUTHORITY: 744.1083(6), 744.102(16), 744.1085, 744.3135 FS.

LAW IMPLEMENTED: 744.102(16), 744.1083, 744.1085, 744.3135 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, 9:00 a.m. – 12:00 Noon

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

IF NOT REQUESTED IN WRITING, THE WORKSHOP WILL NOT BE HELD.

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: Abbie Messer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: messera@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Abbie Messer, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000; Telephone Number: (850)414-2000, SunCom 994-2000; Email address: messera@elderaffairs.org

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

58M-2.001 Professional Guardian Registration.

~~(1) A person serving as a guardian in the State of Florida must be registered as a professional guardian prior to submitting an application for appointment as guardian to a Florida court for the guardian's third case involving monetary compensation for services rendered to a ward.~~

~~(1)(2) Persons who are An applicant~~ required to register with Department of Elder Affairs' Statewide Public Guardianship Office (SPGO) as a professional guardian must complete the Professional Guardian Registration Form, DOEA/SPGO Form 001, ~~with all requested information. The Professional Guardian Registration Form, DOEA/SPGO Form 001, effective _____, 2007 July 2005, which is incorporated herein by reference and may can be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or at <http://elderaffairs.state.fl.us/english/public.html>. The Professional Guardian Employee Registration Form, DOEA/SPGO Form 002, July _____, 2007 which is incorporated herein by reference and may be obtained from SPGO or at <http://elderaffairs.state.fl.us/english/public.html> must also be completed and submitted for all Professional Guardian Employees.~~

~~(2)(3) The Professional Guardian rRegistration fForm shall be signed by the registrant applicant (or corporate officer if the registrant applicant is a corporation).~~

~~(3)(4) The completed registration form shall be filed with the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, by hand-delivery or mail. No Ffacsimile submissions will not be accepted.~~

~~(4)(5) The following items must either accompany the registration form or must be on file with SPGO, for the registration application to be deemed complete:~~

(a) Credit history report for guardians as specified in Section 744.3135, F.S.;

(b) Criminal history record for guardians as specified in Section 744.3135, F.S.;

(c) Documentation of bonding as required under specified in Section 744.1085, F.S.;

~~(5)(4) For the initial registration, the applicant must submit proof of completion of the required training, as well as, proof of competency by evidence of satisfactory completion of a Department of Elder Affairs approved examination a copy of the certificate of attendance for the required professional guardian instruction and training. Thereafter, copies of certificates of attendance for continuing education unit requirements; For annual renewals, proof of receipt of the minimum continuing education requirements must be submitted, if not on file.~~

~~(6)(e) A registration fee of thirty-five ~~twenty-five~~ dollars (\$325) for each professional guardian in the form of a personal check, money order, or cashier's check made payable to the Statewide Public Guardianship Office must be submitted with the registration form.~~

~~(6) An applicant required to register with SPGO as a professional guardian must submit the Professional Guardian Registration Form to SPGO with the registration fee annually.~~

~~(7)(a) The registration period begins the day the registration application is approved by SPGO and ends on the registrant's bond anniversary date. For multi year bonds, the annual registration expiration date will be determined by the day and month that the bond expires.~~

~~(b) SPGO may prorate the registration fee up to by 50% registration fees for initial registrants whose bond registrations that will expire in less than 6 months.~~

~~(8)(e) Annual Renewals: A completed DOEA/SPGO Form 001 for annual renewal of a registration An applicant shall be submitted annual registration materials to SPGO at least no later than 30 days prior to the expiration date of the current registration applicant's bond anniversary date to ensure that a lapse in continued registration does not occur. If the renewal form is not received 30 days prior to expiration, registrants may request expedited processing for an additional fee. All fees must be received with the completed registration form prior to the registration being processed by SPGO.~~

~~(7) SPGO will issue the annual registration license to the applicant upon approval.~~

~~(9)(8) If a professional guardian hires an employee with assigned fiduciary responsibilities during the professional guardian's registration period, then the professional guardian shall submit an amended DOEA/SPGO Form 001 that includes the new employee information to SPGO for approval prior to the employee assuming any fiduciary responsibilities.~~

Specific Authority 744.1083(6) FS. Law Implemented 744.102(16), 744.1083, 744.1085, 744.3135 FS. History--New 5-4-03, Amended 12-12-05, _____.

58M-2.003 Professional Guardian Coursework and Competency Examination.

(1) Information about the professional guardian coursework and competency examination may be obtained from the Statewide Public Guardianship Office, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or online at <http://elderaffairs.state.fl.us>.

(2) Completion of the required professional guardian instruction and training course is a mandatory requirement in order for the registrant applicant to be eligible to take the competency examination.

(3) Registrants must score a minimum of 75% correct response on both sections of the Professional Guardian Competency Examination or must receive a waiver from

~~SPGO prior to the registration. The applicant must achieve a score of 75% or better on the Professional Guardian Competency Examination.~~

(4) If the ~~registrant applicant~~ fails to successfully complete either portion of the Professional Guardian Competency Examination in three (3) attempts, ~~then the registrant shall be applicant~~ is required to re-take the ~~professional guardian instruction and training course prior to being eligible to before sitting again~~ for the competency examination again.

Specific Authority 744.1083(6), 744.1085(6)(b) FS. Law Implemented 744.102(16), 744.1083, 744.1085, 744.3135 FS. History--New 12-12-05, Amended.

58M-2.007 Electronic Fingerprint Criminal History Record Check.

Per Section 744.3135(3), F.S., a professional guardian and their fiduciary employees may use electronic fingerprinting methods. Registrants must use an approved SPGO provider. A list of approved providers of electronic fingerprinting will be maintained by SPGO. This list will include the fee charged by each provider and if the provider requires an appointment or prepayment. This list may be obtained from the Statewide Public Guardianship Office or at <http://elderaffairs.state.fl.us/english/public.html>.

Specific Authority 744.3135 FS. Law Implemented 744.3135 FS. History--New.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-5.005
 RULE TITLE: License Renewal Fee Waivers

PURPOSE AND EFFECT: The purpose of the rule amendment is to omit prior renewal fee waivers and implement a renewal fee waiver for the following professions: Athlete Agents, Employee Leasing, Real Estate Appraisers, Architecture and Interior Design, Professional Engineers, and Barbering.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment will update the rule language to omit prior renewal fee waivers and implement a new renewal fee waiver for the following professions: Athlete Agents, Employee Leasing, Real Estate Appraisers, Architecture and Interior Design, Professional Engineers, and Barbering.

SPECIFIC AUTHORITY: 455.219 FS.

LAW IMPLEMENTED: 455.219 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 17, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Professions Board Room, DBPR, 1940 North Monroe 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: April Dawn M. Skilling, (850)488-0063. 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: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

RULE NO.: 61-6.001
 RULE TITLE: Biennial Licensing

PURPOSE AND EFFECT: The purpose of the rule amendment is to update the rule language to add Professional Engineers and Barber Assistants to the schedule for biennial licensure renewal and delete unnecessary or outdated language.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendment adds Professional Engineers and Barber Assistants to the schedule for biennial licensure renewal and deletes unnecessary or outdated language set forth in subsections (4), (5), and (6).

SPECIFIC AUTHORITY: 455.203(5) FS.

LAW IMPLEMENTED: 455.203(1) 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 17, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Professions Board Room, DBPR, 1940 North Monroe 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: April Dawn M. Skilling, (850)488-0063. 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: April Dawn M. Skilling, Office of the General Counsel, 1940 North Monroe Street, Suite 42, Tallahassee, FL 32399

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: RULE TITLE:
61G6-10.008 Mediation

PURPOSE AND EFFECT: The Board proposes the rule amendment to include an additional reason for permitting mediation.

SUBJECT AREA TO BE ADDRESSED: Mediation.

SPECIFIC AUTHORITY: 455.0235(1), 489.507(3) FS.

LAW IMPLEMENTED: 455.2235 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: Anthony Spivey, Executive Director, Electrical Contractors’ Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-10.008 Mediation.

Pursuant to Section 455.2235, F.S., the Board designated the following areas as appropriate for mediation:

(1) Section 489.533(1)(q), F.S.; License number not in ad, or wherever else required.

(2) Section 489.533(1)(r), F.S.; Any complaint that is based on non-completion of contract for not having a final inspection done; this would only be considered if the appropriate permit has been obtained in accordance with normal procedure.

Specific Authority 455.0235(1), 489.507(3) FS. Law Implemented 455.2235 FS. History–New 3-21-95, Amended 12-24-96,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NOS.: RULE TITLES:
61G10-13.003 Continuing Education Requirements
61G10-13.007 Reactivation of Inactive License

PURPOSE AND EFFECT: The Board proposes to amend the rule for clarification of reactivation of license requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirements; Reactivation of Inactive License.

SPECIFIC AUTHORITY: 455.271(4), (9), (11), 481.306, 481.315 FS.

LAW IMPLEMENTED: 455.271(4), (9), (11), 481.315 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.: RULE TITLE:
61G10-15.005 Responsible Supervision Control
 Over Landscape Architectural
 Practices in the Landscape
 Architect’s Office

PURPOSE AND EFFECT: The Board proposes to amend the rule to clarify instances of where one Landscape Architect qualifies multiple business entities.

SUBJECT AREA TO BE ADDRESSED: Responsible Supervision Control Over Landscape Architectural Practices in the Landscape Architect’s Office.

SPECIFIC AUTHORITY: 481.306 FS.

LAW IMPLEMENTED: 481.321(3), (5) 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: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to update the process for the request for a change of examination date and to delete the electronic fingerprinting processing fee.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 475.614 FS.

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

IF REQUESTED 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-2.001 Fees.

(1) through (11) No change.

(12) The fee for request for a change in examination date which must be in writing, shall be:

(a) through (b) No change.

~~(13) Electronic Fingerprinting Processing \$61.00 Fee~~

~~(13)(14) through (15)(16) No change.~~

Specific Authority 475.614 FS. Law Implemented 215.34, 215.405, 455.217, 455.2281, 455.271(6)(b), 475.6147, 475.615, 475.618 FS. History--New 10-15-91, Amended 6-7-92, 5-6-93, Formerly 21VV-2.001, Amended 9-22-93, 7-5-94, 5-22-95, 8-20-96, 11-11-97, 10-1-98, 10-29-98, 1-7-99, 11-15-99, 11-10-03, 2-21-06, 9-21-06, 12-4-06, 3-13-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-4.010
RULE TITLE: Supervision and Training of Registered Trainee Appraisers

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to decrease the number of trainee appraisers that the supervising appraiser may supervise. The rule amendment also updates the requirements for the contents of an appraisal.

SUBJECT AREA TO BE ADDRESSED: Supervision and Training of Registered Trainee Appraisers.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 475.611, 475.6221, 475.6222 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

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

(1) through (3) No change.

(4) Any supervising appraiser, whether acting as primary or secondary supervisor, may not supervise more than 3 4 registered trainee appraisers at one time.

(5) No change.

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

(a) through (c) No change.

(d) Description of work performed; ~~and~~

(e) Number of work hours; and

(f) Signature and state license certification number of the supervising appraiser.

(7) through (10) No change.

Specific Authority 475.614 FS. Law Implemented 475.611, 475.6221, 475.6222 FS. History--New 2-16-04, Amended 3-1-06, 12-4-06, 8-12-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

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

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the requirement for client name and address on the appraisal experience log.

SUBJECT AREA TO BE ADDRESSED: Experience Requirement.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5) Experience as defined in subsection (2) above shall be accounted for on an appraisal experience log, which shall include the following minimum information: type of property, date of report, ~~client name and address~~, address of appraised property, description of work performed, number of work hours, and signature and license number of supervising appraiser (if applicable). The log and supporting documents shall be retained for a minimum of 5 years after licensure or certification. All work submitted for experience shall comply with the Uniform Standards of Professional Appraisal Practice, as defined in Section 475.611(1)(o), Florida Statutes. Types of acceptable experience are, as follows:

(a) through (e) No change.

(6) No change.

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS. History–New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, 12-4-06, 4-18-07, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-8.001 RULE TITLE: Citation Authority

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include a fee for the violation of failing to register the firm or business name and location as required by Section 475.623, F.S.

SUBJECT AREA TO BE ADDRESSED: Citation Authority.

SPECIFIC AUTHORITY: 475.614 FS.

LAW IMPLEMENTED: 455.224, 455.275, 475.622(1), 475.6221(1), 475.624(14), (18) 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: Thomas O'Bryant, Deputy Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-8.001 Citation Authority.

(1) No change.

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

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

1. through 4. No change.

5.a. Failing to register the name of the trainee as required by Section 475.6221(1), F.S. \$500.00
 b. No change.

6. Failing to notify the department of the termination of the relationship with the supervising appraiser as required by Section 475.6221(1), F.S. \$300.00

7. through 8. No change.

9. Failing to register the firm or business name and location as required by Section 475.623, F.S. \$500.00

(3) through (5) No change.

Specific Authority 475.614 FS. Law Implemented 455.224, 455.275, 475.622(1), 475.6221(1), 475.624(14), (18) FS. History–New 12-4-91, Amended 4-21-92, Formerly 21VV-8.001, Amended 8-8-93, 5-14-95, 3-26-96, 7-23-96, 7-10-97, 11-11-97, 11-20-05, 12-4-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-8.002 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to include a penalty for the violation of failing to provide direct supervision or training of trainee appraiser and to change the penalty for a supervisory appraiser employed by a trainee appraiser.

SUBJECT AREA TO BE ADDRESSED: Disciplinary Guidelines.

SPECIFIC AUTHORITY: 455.2273, 475.614 FS.

LAW IMPLEMENTED: 455.227, 475.622, 475.6221(3), 475.624, 475.626 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: Thomas O'Bryant, Deputy

VIOLATIONS

(a) through (aa) No change.
(bb) Section 475.6221(3), F.S.
Supervisory appraiser employed by a trainee appraiser.

(cc) Section 475.6222, F.S., failure to provide direct supervision or training of trainee appraiser.

(4) No change.

Specific Authority 455.2273, 475.614 FS. Law Implemented 455.227, 475.622, 475.6221(3), 475.624, 475.626 FS. History–New 1-7-92, Formerly 21VV-8.002, Amended 1-9-94, 8-17-97, 6-8-03, 12-4-06, _____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-14.008
RULE TITLE: Definitions

PURPOSE AND EFFECT: The rule amendment describes the licensees' obligations when a deposit is placed with an attorney or title company.

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 475.05, 475.25(1)(k) FS.

LAW IMPLEMENTED: 475.25(1)(k) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J2-14.008 Definitions.

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

Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-8.002 Disciplinary Guidelines.

(1) through (2) No change.

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

RECOMMENDED RANGE OF PENALTY

The usual action of the Board shall be to impose a penalty of up a-5 year suspension to revocation and an administrative fine of \$45,000.00

The usual action of the Board shall be to impose a penalty of up to revocation and an administrative fine up to \$5,000.00.

(b) When a deposit is placed or to be placed with a title company or an attorney, the licensee who prepared or presented the sales contract ("Licensee"), shall indicate on that contract the name, address, and telephone number of such title company or attorney. Within three (3) business days after each deposit is due under the sales contract, the Licensee's broker shall make written request to the title company or attorney to provide written verification of receipt of the deposit. Within ten (10) business days of the date of the Licensee's broker made the written request for verification of the deposit, the Licensee's broker shall provide Seller's broker with either a copy of the written verification, or, if no verification is received by Licensee's broker, written notice that Licensee's broker did not receive verification of the deposit. If Seller is not represented by a broker, then Licensee's broker shall notify the Seller directly in the same manner indicated herein. When escrow funds are placed with a title company or an attorney, the licensee shall indicate on the sales contract the name and address of said entity. The licensee shall obtain and retain written verification of said deposit upon delivery of the funds to the title company or attorney.

(3) No change.

Specific Authority 475.05, 475.25(1)(k) FS. Law Implemented 475.25(1)(k) FS. History–New 1-1-80, Formerly 21V-14.08, Amended 10-13-88, 12-29-91, 7-20-93, Formerly 21V-14.008, Amended 7-5-95, 7-4-06, _____.

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:
62-210.300 Permits Required

PURPOSE AND EFFECT: On April 20, 2007, the department published notices of rule development for amendments to Chapter 62-210, F.A.C., related to implementation of permitting requirements for Title V sources subject to the U.S. Environmental Protection Agency's Clean Air Interstate Rule, Clean Air Mercury Rule, and Acid Rain program. The notice for Chapter 62-210, F.A.C., failed to include Rule 62-210.300, F.A.C., but conforming amendments to rule citations in this section will be needed as part of the overall rulemaking project. This notice expresses the department's intent to develop the necessary conforming amendments to Rule 62-210.300, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The proposed rule amendments address Title V air operation permitting requirements.

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 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: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us.

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

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-31.012 Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed amendment to Rule 64B8-31.012, F.A.C., is intended to implement a fee for changing status other than during the biennial renewal period.

SUBJECT AREA TO BE ADDRESSED: A fee of \$100 for change of licensure status other than at the time of licensure renewal.

SPECIFIC AUTHORITY: 456.036(5), (7), 458.309, 458.3475 FS.

LAW IMPLEMENTED: 456.036(4), (5), (7), 458.3475 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B8-31.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for processing any changes in the licensure status other than the biennial renewal period shall be \$100.

Specific Authority 456.036(5), (7), 458.309, 458.3475 FS. Law Implemented 456.036(4), (5), (7), 458.3475 FS. History--New 8-2-05, Amended 6-7-07,_____.

DEPARTMENT OF HEALTH**Board of Medicine**

RULE NO.: RULE TITLE:
64B8-36.003 Medicinal Drugs Which May Be Ordered by Pharmacists

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address drugs which may be appropriately ordered by pharmacists.

SUBJECT AREA TO BE ADDRESSED: Medicinal drugs which may be ordered by pharmacists.

SPECIFIC AUTHORITY: 465.186(2) FS.

LAW IMPLEMENTED: 465.186 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH**Board of Osteopathic Medicine**

RULE NO.: RULE TITLE:
64B15-7.012 Fees Regarding Anesthesiologist Assistants

PURPOSE AND EFFECT: The proposed amendment to Rule 64B15-7.012, F.A.C., is intended to implement a fee for changing status other than during the biennial renewal period.

SUBJECT AREA TO BE ADDRESSED: A fee of \$100 for change of licensure status other than at the time of licensure renewal.

SPECIFIC AUTHORITY: 456.036(5), (7), 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.036(4), (5), (7), 459.023 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-7.012 Fees Regarding Anesthesiologist Assistants.

The following fees are prescribed by the Board:

(1) through (8) No change.

(9) The fee for processing any changes in the licensure status other than the biennial renewal period shall be \$100.

Specific Authority 456.036(5), (7), ~~458.309, 458.3475~~, 459.005, 459.023 FS. Law Implemented 456.036(4), (5), (7), ~~458.3475~~, 459.023 FS. History—New 8-2-05, Amended 6-7-07, _____.

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: RULE TITLE:
64B15-12.0075 Requirements for Reactivation of Retired Status License

PURPOSE AND EFFECT: The purpose and effect of this new rule is to establish requirements for the activation of retired status license.

SUBJECT AREA TO BE ADDRESSED: Requirements for Reactivation of Retired Status License.

SPECIFIC AUTHORITY: 456.036 FS.

LAW IMPLEMENTED: 456.036 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B15-12.0075 Requirements for Reactivation of Retired Status License.

A retired status license shall be reactivated upon demonstration that the licensee has paid the reactivation fee set forth in Rule 64B15-10.0033, F.A.C., and has complied with the following requirements:

(1) As a condition to the reactivation of a retired status license, a physician must:

(a) Submit documentation of successful completion of twenty (20) hours per year of continuing medical education courses which comply with the requirements of Rule 64B15-13.001, F.A.C., for each year of retired status;

(b) Document compliance with the financial responsibility requirements of Section 459.0085, F.S., and Rule Chapter 64B15-20, F.A.C.; and

(c) Document compliance with Section 456.033, F.S.

(2) Any osteopathic physician whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of osteopathic medicine within the past five (5) years shall be required to appear before the Board and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician must:

(a) Demonstrate compliance with subsection (1) above;

(b) Demonstrate successful completion of the COMVEX examination within the year immediately preceding the appearance before the Board; and

(c) Account for any activities related to the practice of osteopathic medicine during the period that the licensee was on retired status or not practicing in another jurisdiction and establish an absence of malpractice or disciplinary actions pending in any jurisdiction.

(3) The Department shall refuse to reactivate the license of a retired status osteopathic physician who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.036 FS. Law Implemented 456.036 FS. History—New _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.004
RULE TITLE: Use of Test Instruments
PURPOSE AND EFFECT: The Board proposes the rule amendment to enlarge the conditions under which a licensed psychologist may sign an evaluation or assessment based on the use of test instruments.
SUBJECT AREA TO BE ADDRESSED: Signatures required for evaluations or assessments.
SPECIFIC AUTHORITY: 490.004(4) FS.
LAW IMPLEMENTED: 490.003(4), 490.009(1)(r), (s), (v), (w) 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: Susan Love, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-18.004 Use of Test Instruments.
 (1) through (4) No change.

(5) It shall be a violation of this rule for a psychologist to sign any evaluation or assessment unless the psychologist has had an active role in the evaluation or assessment of the subject as required by subsection (4) of this rule. A psychologist may not sign any evaluation or assessment that is signed by any other person unless the psychologist is signing as a supervisor, in conjunction with an evaluation or assessment performed by an psychological intern, psychological trainee or psychological resident, or as a member of a multidisciplinary diagnostic team.

(6) No change.

Specific Authority 490.004(4) FS. Law Implemented 490.003(4), 490.009(1)(r), (s), (v), (w) FS. History—New 6-14-94, Formerly 61F13-20.004, Amended 5-19-97, Formerly 54AA-18.004, Amended 3-25-02, _____.

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003
RULE TITLE: Provisional License; Requirements
PURPOSE AND EFFECT: In this amendment, the Board proposes to clarify when a provisional license expires.
SUBJECT AREA TO BE ADDRESSED: Provisional License; Requirements.

SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1145(2), 468.1155 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: Pamela King, Executive Director, Board of Speech Language Pathology and Audiology, 4052 Bald Cypress Way, Bin #06, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B20-2.003 Provisional License; Requirements.
 (1) through (4) No change.
 (5) A provisional license shall be valid for a period of 18 months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S., is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155 FS. History—New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended _____.

**Section II
 Proposed 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."

**LAND AND WATER ADJUDICATORY COMMISSION
 Julington Creek Plantation Community Development District**

RULE NO.: 42T-1.002
RULE TITLE: Boundary
PURPOSE AND EFFECT: The Petition was filed by the Julington Creek Plantation Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add 26.86 acres to the District located solely within St. Johns County, Florida. The District currently covers approximately 4,119 acres of land and after amendment the District will encompass approximately 4,145.86 acres.

Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. The District intends to construct, acquire or install recreation improvements (recreation complex) for the expansion parcel as outlined in the District's Improvement Plan.

SUMMARY: The Petition was filed by the Julington Creek Plantation Community Development District with its registered office located at 123 South Calhoun Street, Tallahassee, Florida 32301. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to add 26.86 acres to the District located solely within St. Johns County, Florida. The District currently covers approximately 4,119 acres of land and after amendment the District will encompass approximately 4,145.86 acres. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the expansion parcel. The District intends to construct, acquire or install recreation improvements (recreation complex) for the expansion parcel as outlined in the District's Improvement Plan.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS: In association with the Petition, the Petitioner has caused a Statement of Estimated Regulatory Costs ("SERC") to be prepared in compliance with Section 120.541, F.S. The complete text of the SERC is contained at Exhibit "8" to the Petition. By way of summary, the SERC estimates the principal individuals and entities likely to be required to comply with the amended rule are the District, the state, and St. Johns County, Florida. The SERC estimates that rule amendment implementation and enforcement costs to the above-described entities will be minimal and/or are offset by the payment of requisite filing and annual fees; and, estimates there will be no negative impact on state and local revenues from the proposed amendment of the rule. With respect to an estimate of the transactional costs likely to be incurred by individuals and entities required to comply with the requirements of the rule, the SERC indicates that to fund the cost of maintaining infrastructure, assessments and fees will be imposed on the District property owners. The proposed lands to be added to the boundaries of the District are owned by the District and as such these lands will be exempt from non-ad valorem assessments. The District acquired these lands in 2006 in anticipation of constructing a new recreation center for the District. Finally, the SERC concludes that the amendment of the District's boundary will have no impact on small businesses and should not have negative impact on small counties and cities as defined in Section 120.52, F.S., St. Johns County is not a small county as defined by Section 120.52, F.S. According to the SERC, the SERC analysis is based on a straightforward application of economic theory and input was received from the District's Engineer and other professionals associated with the District.

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: 190.005, 190.046 FS.

LAW IMPLEMENTED: 190.004, 190.005, 190.046 FS.

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

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

PLACE: The Capitol, Conference Room 2103, 21st Floor, 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 two days before the workshop/meeting by contacting: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Barbara Leighty, Senior Policy Analyst, Florida Land and Water Adjudicatory Commission, The Capitol, Room 1802, Tallahassee, Florida 32399-0001, (850)487-1884

THE FULL TEXT OF THE PROPOSED RULE IS:

42T-1.002 Boundary.

The boundaries of the district are as follows:

PARCEL "A"

A portion of Sections 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 49, 54, and 57, Township 4 South, Range 27 East, St. Johns County, Florida, together with a portion of Sections 2, 4, and 5, Township 5 South, Range 27 East, St. Johns County, Florida, all being more particularly described as follows:

For a Point of Beginning, commence at the point of intersection of the Easterly right-of-way line of State Road No. 13, as now established for a width of 100 feet, with the Southwesterly right-of-way line of Racetrack Road, as now established for a width of 66 feet, said point being the Northwest corner of the aforementioned Julington Creek Unit One, according to plat thereof recorded in Map Book 16, Pages 35-51, of the Public Records of the aforementioned St. Johns County, Florida; thence South 76°22'54" East, along said Southwesterly right-of-way line of Racetrack Road, a distance of 876.51 feet; thence North 13°37'06" East, a distance of 66.00 feet to a point lying in the Northeasterly right-of-way line of said Racetrack Road, said point being the most Westerly corner of Tract "A", as shown on the aforementioned plat of Julington Creek Unit Two recorded in Map Book 16, Pages

52-63, Public Records, said County; thence along the Northerly boundary of said Tract "A" and Easterly prolongation thereof, North 89°13'56" East, a distance of 1044.60 feet to a point lying in the Westerly boundary of said Julington Creek Unit Two; thence along and with the boundary of said Julington Creek Unit Two the following courses: North 00°55'04" West, a distance of 2895.00 feet; thence North 65°37'46" East, a distance of 261.31 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 270.00 feet and a central angle of 56°49'50"; thence 267.81 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 85°57'19" East, a distance of 256.96 feet; thence South 57°32'24" East, a distance of 535.49 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 530.00 feet and a central angle of 15°32'00"; thence 143.69 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 65°18'24" East, a distance of 143.25 feet; thence South 73°04'24" East, a distance of 287.74 feet to the point of curvature of a curve to the left, said curve being concave to the North, having a radius of 490.40 feet and a central angle of 33°03'19"; thence 282.92 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 89°36'04" East, a distance of 279.02 feet; thence North 73°52'17" East, a distance of 359.21 feet to the Northerly corner common to said Julington Creek Unit Two and the aforementioned Julington Creek Unit Three, according to plat thereof recorded in Map Book 16, Pages 64-88, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Three the following courses: North 73°52'17" East, a distance of 116.99 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 470.00 feet and a central angle of 35°29'03"; thence 291.08 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 88°23'11" East, a distance of 286.45 feet; thence South 70°38'40" East, a distance of 1031.69 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 2260.00 feet and a central angle of 04°59'59"; thence 197.21 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 68°08'40" East, a distance of 197.15 feet; thence South 65°38'41" East, a distance of 135.97 feet; thence South 00°36'59" East, a distance of 622.42 feet; thence South 89°24'51" West, a distance of 294.90 feet; thence South 00°34'55" East, a distance of 1624.92 feet; thence South 76°25'30" East, a distance of 1360.52 feet; thence North 00°33'43" West, a distance of 1957.64 feet; thence South 89°23'37" West, a distance of 324.80 feet; thence North 00°36'59" West, a distance of 504.45 feet to a point lying in the

Southerly right-of-way line of Bishop Estates Road, as now established for a width of 60 feet; thence along said Southerly right-of-way line, and continuing along and with the boundary of said Julington Creek Unit Three, North 72°46'03" East, a distance of 847.61 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 559.55 feet and a central angle of 38°38'26"; thence 377.36 feet Easterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 87°54'44" East, a distance of 370.25 feet; thence South 68°35'31" East, a distance of 1163.87 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 896.04 feet, and a central angle of 14°33'05"; thence 227.57 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 61°18'59" East, a distance of 226.96 feet; thence South 54°02'26" East, a distance of 621.97 feet to the point of curvature of a non-tangent curve to the left, said curve being concave to the Northeast, having a radius of 654.89 feet and a central angle of 35°19'25"; thence 403.75 feet Southeasterly, around the arc of said curve, said arc being subtended by a chord which bears South 71°42'08" East, a distance of 397.38 feet; thence North 89°21'50" East, a distance of 321.10 feet to the point of curvature of a non-tangent curve to the right, said curve being concave to the South, having a radius of 690.01 feet and a central angle of 25°21'57"; thence 305.48 feet Easterly, around the arc of said curve, said arc being subtended by a chord which bears South 76°40'52" East, a distance of 302.99 feet; thence South 63°59'54" East, a distance of 158.64 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 1268.20 feet, and a central angle of 42°29'40"; thence 940.59 feet Southeasterly, around the arc of said curve, to a point of reverse curvature, said arc being subtended by a chord which bears South 85°14'44" East, a distance of 919.18 feet to said point of reverse curvature of a curve to the right, said curve being concave to the South, having a radius of 228.00 feet and a central angle of 20°36'14"; thence 81.99 feet Northeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears North 83°48'33" East, a distance of 81.55 feet; thence South 85°53'20" East, a distance of 328.46 feet to the Northerly corner common to said Julington Creek Unit Three and the aforementioned Julington Creek Unit Four, according to plat thereof recorded in Map Book 16, Pages 89-111, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Four the following courses: South 85°53'20" East, a distance of 171.26 feet to the point of curvature of a curve to the right, said curve being concave to the South, having a radius of 690.01 feet, and a central angle of 20°15'14"; thence 243.92 feet Easterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 75°45'43" East, a

distance of 242.65 feet; thence South 65°38'06" East, a distance of 299.43 feet to the point of curvature of a curve to the left, said curve being concave to the Northeast, having a radius of 1451.18 feet, and a central angle of 16°27'36"; thence 416.90 feet Southeasterly, around the arc of said curve, to the point of tangency thereof, said arc being subtended by a chord which bears South 73°51'54" East, a distance of 415.47 feet; thence South 82°05'42" East, a distance of 616.54 feet to the point of curvature of a curve to the right, said curve being concave to the Southwest, having a radius of 1642.47 feet, and a central angle of 00°17'36"; thence 8.41 feet Southeasterly, around the arc of said curve, said arc being subtended by a chord which bears South 81°56'54" East, a distance of 8.41 feet to a point of intersection with the Southerly prolongation of the most Westerly boundary of the aforementioned Julington Creek Unit Six, according to plat thereof recorded in Map Book 17, Pages 22-52, Public Records, said County; thence along and with said Westerly boundary and Southerly prolongation thereof, and along and with the boundary of said Julington Creek Unit Six the following courses: North 00°36'03" East, a distance of 319.20 feet to an angle point in the boundary of said Julington Creek Unit Six; thence North 03°08'57" West, a distance of 230.12 feet; thence North 02°45'57" West, a distance of 284 feet, more or less, to the mean high water line of Durbin Creek; thence Southeasterly and Easterly, along said mean high water line of Durbin Creek and the meanderings thereof, a distance of 9880 feet, more or less, to the East line of Section 35 of the aforementioned Township 4 South, Range 27 East; thence South 01°33'04" East, along said East line of Section 35, a distance of 3752 feet, more or less, to a point lying in the aforementioned Northeasterly right-of-way line of Racetrack Road; thence South 76°22'54" East, along said Northeasterly right-of-way line, a distance of 147.01 feet to the most Westerly corner of Tract "A", as shown on the aforementioned plat of Julington Creek Unit Seven recorded in Map Book 18, Pages 6-32, Public Records, said County; thence North 89°11'36" East, along the Northerly boundary of said Julington Creek Unit Seven, a distance of 2538.40 feet to the Northeast corner thereof; thence along the Easterly boundary of said Julington Creek Unit Seven, and along the extension of said Easterly boundary across the aforementioned Racetrack Road, South 00°33'34" East, a distance of 1320.75 feet to a point lying in the line dividing the aforementioned Townships 4 and 5 South, Range 27 East, said point being the Southeast corner of said Julington Creek Unit Seven; thence continue along and with the boundary of said Julington Creek Unit Seven the following courses: South 89°13'19" West, a distance of 2656.47 feet to the Southeast corner of the aforementioned Section 35, Township 4 South, Range 27 East; thence South 89°15'04" West, a distance of 660.28 feet; thence North 01°36'48" West, a distance of 1320.37 feet; thence South 89°13'37" West, a distance of 664.62 feet; thence South 01°47'18" East, a distance of 1320.15 feet; thence South 02°14'04" East, a

distance of 1340.96 feet; thence South 89°33'39" West, a distance of 662.34 feet; thence North 02°10'39" West, a distance of 1336.69 feet; thence South 89°12'29" West, a distance of 660.57 feet; thence South 89°13'36" West, a distance of 2641.92 feet; thence South 89°14'24" West, a distance of 2676.55 feet; thence South 89°14'31" West, a distance of 1369.31 feet to the Southerly corner common to said Julington Creek Unit Seven and the aforementioned Julington Creek Unit Eight, according to plat thereof recorded in Map Book 18, Pages 33 through 51, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Eight the following courses: South 89°14'31" West, a distance of 1258.94 feet; thence South 00°48'07" East, a distance of 1331.35 feet; thence South 00°47'45" East, a distance of 2682.06 feet; thence South 89°35'54" West, a distance of 2649.95 feet; thence South 89°33'43" West, a distance of 1328.72 feet; thence South 89°31'34" West, a distance of 1342.28 feet; thence South 89°26'51" West, a distance of 1345.27 feet; thence North 00°44'34" West, a distance of 1341.60 feet; thence North 00°39'54" West, a distance of 295.39 feet to the Westerly corner common to said Julington Creek Unit Eight and the aforementioned Julington Creek Unit Nine, according to plat thereof recorded in Map Book 18, Pages 77-121, Public Records, said County; thence along and with the boundary of said Julington Creek Unit Nine the following courses: North 00°39'54" West, a distance of 1024.75 feet; thence North 89°28'29" East, a distance of 1342.18 feet; thence North 00°28'51" West, a distance of 1322.45 feet; thence South 89°28'29" West, a distance of 1342.18 feet; thence North 00°28'51" West, a distance of 379.92 feet to the centerline of Cunningham Creek; thence Westerly along a meander line that approximates the centerline of said Cunningham Creek as follows: North 58°00'56" West, a distance of 135.23 feet; thence South 88°24'34" West, a distance of 220.36 feet; thence North 70°24'07" West, a distance of 355.69 feet; thence South 76°06'53" West, a distance of 348.16 feet; thence South 89°11'02" West, a distance of 300.67 feet; thence North 83°03'30" West, a distance of 252.48 feet; thence North 80°29'16" West, a distance of 336.30 feet; thence North 88°42'35" West, a distance of 311.27 feet; thence South 71°01'54" West, a distance of 85.28 feet; thence North 85°52'03" West, a distance of 313.97 feet; thence South 58°08'46" West, a distance of 305.31 feet; thence South 88°56'58" West, a distance of 160.43 feet; thence South 68°08'31" West, a distance of 239.34 feet; thence South 88°49'46" West, a distance of 474.71 feet; thence North 38°38'53" West, a distance of 193.24 feet; thence North 87°42'49" West, a distance of 351.51 feet; thence South 70°43'49" West, a distance of 537.95 feet; thence South 59°45'23" West, a distance of 666.17 feet to a point lying in the aforementioned Easterly right-of-way line of State Road No. 13; thence North 04°51'47" East, along said Easterly right-of-way line, a distance of 1961.82 feet to the Westerly corner common to said Julington Creek Unit Nine and the

above-mentioned Julington Creek Unit One, according to plat thereof recorded in Map Book 16, Pages 35-51, Public Records, said County; thence along and with the boundary of said Julington Creek Unit One the following courses: North 04°51'47" East, a distance of 2087.46 feet to an angle point in said boundary; thence North 88°25'39" East, departing said Easterly right-of-way line of State Road No. 13, a distance of 191.74 feet; thence North 00°18'11" West, a distance of 833.50 feet; thence North 89°13'41" East, a distance of 676.09 feet; thence South 00°17'20" East, a distance of 160.48 feet; thence North 89°15'59" East, a distance of 670.35 feet; thence North 00°16'32" West, a distance of 660.03 feet; thence South 89°17'37" West, a distance of 670.00 feet; thence South 89°17'50" West, a distance of 747.26 feet to a point lying in the above-mentioned Easterly right-of-way line of State Road No. 13; thence North 04°51'47" East, along said Easterly right-of-way line, a distance of 1490.97 feet to the Point of Beginning.

Containing 4,270 acres, more or less.

1) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 569, Page 331, and Official Records Volume 790, Page 554, and also lands described and recorded in Official Records Volume 910, Page 1091 (including the EXCEPTION mentioned therein), all of the Public Records of St. Johns County, Florida, and containing 29.13 acres, more or less.

2) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 721, Page 1090, of the Public Records of St. Johns County, Florida, and containing 5.16 acres, more or less.

3) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 716, Page 690, and Official Records Volume 878, Page 92, all of the Public Records of St. Johns County, Florida, and containing 10.20 acres, more or less.

4) EXCEPTING THEREFROM, however, the First Replat in Julington Creek Unit One, as recorded in Map Book 26, Pages 82 and 83, of the Public Records of St. Johns County, Florida, and containing 31.53 acres, more or less.

5) EXCEPTING THEREFROM, however, all of Tracts G-5, G-6 and G-7, all of Lots 1 through 52, Block 5, and all of Lots 1 through 39, Block 6, together with the road rights-of-way known as Larkspur Loop, Canna Court, Catalpa Court, and Calico Court, all as shown on plat of Julington Creek Unit One as recorded in Map Book 16, Pages 35 through 51, of the Public Records of St. Johns County, Florida, and containing 39.41 acres, more or less.

6) EXCEPTING THEREFROM, however, all of Lots 1 through 11, Block 7, and the road right-of-way known as Little Loop, all as shown on plat of Julington Creek Unit One as recorded in Map Book 16, Pages 35 through 51, of the Public Records of St. Johns County, Florida and containing 6.85 acres, more or less.

7) EXCEPTING THEREFROM, however, all of Tracts G-1, G-2, G-13 and G-14, all of Lots 1 through 21, Block 41, all of Lots 1 through 24, Block 42, all of Lots 1 through 11, Block 43, all of Lots 1 through 20, Block 44, all of Lots 1 through 5, Block 45, and all of Lots 1 through 14, Block 46, together with the road rights-of-way known as Linwood Loop, Castleberry Court, and Chesswood Court, all as shown on plat of Julington Creek Unit Five as recorded in Map Book 17, Pages 1 through 21, of the Public Records of St. Johns County, Florida, and containing 45.93 acres, more or less.

8) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 328, Page 644, and Official Records Volume 443, Page 451, of the Public Records of St. Johns County, Florida, together with a parcel of land being bounded on the North by Racetrack Road, as now established for a width of 66 feet, and bounded on the West by the above-mentioned lands described in Official Records Volume 443, Page 451, and bounded on the South and the East by the above-mentioned lands described in Official Records Volume 328, Page 644, all as recorded in the Public Records of St. Johns County, Florida, and containing 53.94 acres, more or less.

9) EXCEPTING THEREFROM, however, lands described and recorded in Official Records Volume 350, Page 229, of the Public Records of St. Johns County, Florida, and containing 10.80 acres, more or less.

10) EXCEPTING THEREFROM, however, all of Tract F as shown on plat of Julington Creek Unit Five as recorded in Map Book 17, Pages 1 through 21, of the Public Records of St. Johns County, Florida, and containing 5.73 acres, more or less.

11) AND FURTHER EXCEPTING THEREFROM, however, any portion of the above described lands lying within the rights-of-way of Racetrack Road, as now established for a width of 66 feet, or Bishop Estates Road, as now established for a width of 60 feet, or Orange Street as now established for a width of 60 feet, all of which contain 44.69 acres, more or less. Lands thus described, exclusive of all exceptions therein, contain 3,986 acres, more or less.

TOGETHER WITH,

PARCEL "B" (Record Description)

Part of Section 57, Rebecca Pengree Grant, Township 4 South, Range 27 East, Portions of Section 38, William Harvey Grant, Section 39, F.P. Fatio Grant, Section 42, Rebecca Pengree Grant, all being in Township 5 South, Range 27 East, St. Johns County, Florida, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the line dividing Section 39 and Section 42 with the Southeasterly line of Section 38 above-mentioned; run thence South 40°10'48" East along the dividing line of Sections 38 and 39, a distance of 945.12 feet, more or less, to the Westerly Right of Way line of State Road No. 13, as now established as a 100 foot Right of Way, said point lying and being in a curve concave Westerly, having a radius of 2814.79 feet, for a Point of Beginning;

thence in a Northerly direction, along the arc of said radius and Westerly Right of Way line of State Road No. 13, an arc length of 229.86 feet, said arc being subtended by a chord bearing North 21°07'03" East, a chord distance of 229.8 feet; thence North 53°25'45" West, a distance of 471.92 feet; thence North 36°34'15" East, a distance of 200.0 feet; thence South 53°25'45" East, a distance of 399.29 feet, more or less, to the Westerly Right of Way line of State Road No. 13, aforementioned; thence in a Northerly direction, along the arc of curve having a radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc length of 487.38 feet to the P.C. of curve, said arc being subtended by a chord bearing of North 09°29'07" East, a chord distance of 486.78 feet; thence North 04°31'30" East, along the Westerly Right of way line of State Road No. 13, a distance of 3125 feet, more or less, to the waters of Cunningham Creek; thence in a Southwesterly and Southeasterly direction along the waters following the meandering of Cunningham Creek and Mill Creek respectively, a distance of 8000 feet, more or less, to the Westerly Right of Way line of State Road 13, aforementioned, said point being an arc distance of 310 feet, more or less, Southwesterly from the Point of Beginning; thence in a Northeasterly direction, along the arc of a curve having said radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc distance of 310 feet, more or less, to the point of beginning.

EXCEPTING that portion of said Sections 39 and 42, Township 5 South, aforementioned, more particularly described as follows:

For a Point of Reference, commence at the intersection of the line dividing Section 39 and Section 42, with the Southeasterly line of said Section 38; run thence South 40°10'48" East along the dividing line of Sections 38 and 39, a distance of 945.12 feet, more or less, to the Westerly Right-of-Way line of State Road No. 13, aforementioned, for the Point of Beginning; thence in a Northerly direction, along the arc of said radius and Westerly Right of Way line of State Road No. 13, an arc length of 167.06 feet, said arc being subtended by a chord bearing North 21°45'24" East, a chord distance of 167.03 feet; thence North 53°25'45" West, a distance of 100.0 feet; thence South 26°16'55" West, a distance of 500 feet, more or less, to the waters of Mill Creek; thence in a Southeasterly direction, along the waters following the meanderings of Mill Creek, a distance of 110 feet, more or less, to the Westerly Right of Way line of State Road No. 13, aforementioned, said point being an arc distance of 310 feet, more or less, Southwesterly from the Point of Beginning; thence in a Northeasterly direction, along the arc of a curve having said radius of 2814.79 feet and Westerly Right of Way line of State Road No. 13, an arc distance of 310 feet, more or less, to the Point of Beginning.

Lands thus described, exclusive of all exceptions therein, contain 133 acres, more or less.

TOGETHER WITH.

A parcel of land, being a portion of said Section 3, Township 5 South, Range 27 East, St. Johns County, Florida, said parcel being more particularly described as follows:

For a point of reference, commence at the Northwest corner of said Section 3, Township 5 South, Range 27 East, St. Johns County, Florida, and run thence North 89°13'35" East, along the North line of said Section 3, (also being the South line of Section 34, Township 4 South, Range 27 East), a distance of 1,500.000 feet, to the Northeast corner of those lands described and recorded in that quit claim deed between Rayonier Timberlands Operating Company, L.P. to Aberdeen Development, L.L.C., recorded in Official Records Book 2036, Page 1221 of the current public records of said St. Johns County, Florida, and the Point of Beginning.

From the Point of Beginning thus described, continue North 89°13'35" East, along aforesaid North line of said Section 3, Township 5 South, Range 27 East, (also being the South line of said Section 34, Township 4 South, Range 27 East), a distance of 955.32 feet, to a point; run thence South 54°12'47" East, a distance of 777.71 feet, to a point; run thence South 00°46'25" East, a distance of 590.74 feet, to a point; run thence South 89°13'35" West, a distance of 595.49 feet, to a point; run thence North 54°08'17" West, a distance of 1,023.03 feet, to a point; run thence South 89°10'40" West, a distance of 163.26 feet, to a point on the aforesaid east line of said lands described and recorded in Official Records Book 2036, Page 1221 of the public records of said St. Johns County, Florida; run thence North 00°49'20" West, along the aforesaid East line of last said lands, a distance of 443.68 feet, to the aforesaid North line of said Section 3, and to the point of beginning.

The lands thus described, contains 1,170,088 square feet or 26.86 acres, more or less, in area.

Total Parcel Area 145.864419, acres, more or less.

Specific Authority 190.005, 190.046 FS. Law Implemented 190.004, 190.005, 190.046 FS. History--New 8-15-94, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Lisa Saliba, Florida Land and Water Adjudicatory Commission, Room 1801, The Capitol, Tallahassee, Florida 32399-0001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lisa Saliba

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 1, 2007

AGENCY FOR HEALTH CARE ADMINISTRATION**Medicaid**

RULE NO.: 59G-4.085
 RULE TITLE: Early Intervention Services

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007. The handbook revisions include updated policies and procedures. The effect will be to incorporate by reference in the rule the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007. The effect will be to incorporate by reference in the rule the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007.

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: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.908 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 24, 2007, 2:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room D, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Samantha Delloso, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)922-7316, delloss@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-4.085 Early Intervention Services.

(1) No change.

(2) All Early Intervention Services providers enrolled in the Medicaid program must be in compliance with the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook, August 2007 ~~October 2003, updated July 2005~~, incorporated by reference, and the Florida Medicaid Provider Reimbursement Handbook, CMS-1500, which is incorporated by reference in Rule 59G-4.001, F.A.C. Both handbooks are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on

Provider Support, and then on Handbooks. Paper copies of the handbooks may be obtained by calling the Medicaid fiscal agent Provider Inquiry at (800)377-8216.

(3) The following forms are incorporated by reference: Children's Medical Services Early Steps Certification for Provider of Early Intervention Services, AHCA Med-Serv Form 020, August 2007, one page; and Early Steps, Children's Medical Services, Medicaid Freedom of Choice/Conflict of Interest Statement, AHCA-Med Serv Form 021, August 2007, one page. These forms are available on the Early Steps provider website at <http://www.cms-kids.com/ESproviders.htm>.

The following form that is included in the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook is incorporated by reference: Early Intervention Services Request to Exceed Medicaid Limitations Form, AHCA Med Serv Form 019, August 2007, four pages, Appendix B. The form is available by photocopying it from the Florida Medicaid Early Intervention Services Coverage and Limitations Handbook.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.908 FS. History—New 2-1-94, Amended 4-30-00, 8-9-04, 5-22-06,

NAME OF PERSON ORIGINATING PROPOSED RULE: Samantha Delloso

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 14, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 8, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**Electrical Contractors' Licensing Board**

RULE NO.: 61G6-5.0061
 RULE TITLE: Registration of Additional New Business Entity or Transfers

PURPOSE AND EFFECT: The Board proposes the promulgation of the rule in order to establish criteria for registration of additional new business entity or transfers.

SUMMARY: Instruction for registration of additional new business entity or transfers will be established by the promulgation of 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: 489.507(3), 489.511(3), 489.521(2), (3)(a) FS.

LAW IMPLEMENTED: 489.511(3), 489.521(2), (3)(a), (8) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-5.0061 Registration of Additional New Business Entity or Transfers.

(1) A registered qualifying agent who wishes to engage in contracting in his own name or in affiliation with another business entity shall be required to submit an application to the Department. The application shall be accompanied by the materials listed in Rule 61G6-5.004, F.A.C. The requirement of a minimum net worth does not apply to registered contractors applying under this rule. The application shall be accompanied by the application fee.

(2) The Application for registration is form number DBPR ECLB 4452-1, titled Application for Registered Electrical Alarm System or Specialty Contractor, which is hereby incorporated by reference, copies of which may be obtained from the Board office or via the internet at: <http://www.myflorida.com/dbpr/pro/forms/elboard/index.shtml>. Applications must be completed and received thirty (30) calendar days prior to a meeting of the Board.

(3) If application is made by a qualifying agent to be a secondary qualifier for a business already registered by a registered qualifying agent, the already registered business need not resubmit the financial portion of the business application.

(4) If a transfer is requested by an already registered person to an already registered business entity, the business portion of the transfer application shall not be required. The credit report and financial statement of the registered person will also not be required.

Specific Authority 489.507(3), 489.511(3), 489.521(2), (3)(a) FS. Law Implemented 489.511(3), 489.521(2), (3)(a), (8) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 4, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-6.017 RULE TITLE: Duration of Examination Scores

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to establish the duration of passing examination scores.

SUMMARY: The duration of a passing examination score will be valid for a period of two years from the date of the examination.

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: 455.217(2) FS.

LAW IMPLEMENTED: 455.217(2), 489.511(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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-6.017 Duration of Examination Scores.

For the purpose of certification, a passing examination score on any part of the examination shall be valid only for a period of two (2) years from the date of the examination.

Specific Authority 455.217(2) FS. Law Implemented 455.217(2), 489.511(1) FS. History-New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 27, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-10.0065
 RULE TITLE: Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes

PURPOSE AND EFFECT: The Board proposes the rule promulgation in order to provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

SUMMARY: The rule will provide instruction for reinstatement of a null and void license pursuant to Section 455.271(6)(b), F.S.

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: 455.271(6)(b) FS.

LAW IMPLEMENTED: 455.271(6)(b) 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: Anthony Spivey, Executive Director, Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-10.0065 Reinstatement of Null and Void License Pursuant to Section 455.271(6)(b) of the Florida Statutes.

An individual applying to have his or her null and void electrical contractor's certification or registration reinstated pursuant to Section 455.271(6)(b) of the Florida Statutes shall:

(1) Submit a Florida DBPR Electrical Contractor application (DBPR form PRO 4951) for reinstatement of a null and void electrical contractor's certification or registration in which the applicant shall:

(a) Answer questions regarding the applicant's education, employment, and criminal history;

(b) Submit a written statement and documentation of when the applicant's electrical contractor's certification or registration was last active and in good standing with the Board;

(c) Submit a written statement and documentation regarding whether or not the applicant has completed twelve (12) classroom hours of continuing education as set forth in

Rules 61G6-9.001, F.A.C., prior to the applicant's submission of his or her application for reinstatement of a null and void electrical contractor's certification or registration;

(d) Submit a written statement and documentation as to whether or not the applicant has engaged in the practice of electrical contracting during the time period the applicant's electrical contractor's certification or registration was null and void;

(e) Submit a written statement and documentation of the applicant's good faith effort to comply with Chapters 455 and 489 of the Florida Statutes and also the applicant's failure to comply due to illness or unusual hardship.

(f) Submit a written statement and documentation of the applicant's illness or unusual hardship which prevented the applicant from renewing his or her electrical contractor's certification or registration;

(h) Submit a written time-line that chronologically documents when the applicant's electrical contractor's certification or registration was last active, when the applicant's electrical contractor's certification or registration became null and void, when the applicant suffered his or her illness, and/or when the applicant experienced an unusual hardship that prevented the renewal of the electrical contractor's certification or registration;

(i) Submit an application (DBPR form ECLB 4453) requesting active or inactive license status, as appropriate, along with all applicable documentation.

(2) Pay a non-refundable application fee of \$250.00.

(3) Pay a \$250.00 fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

(4) Pay a \$50 delinquency fee.

(5) Pay a \$5 unlicensed activity fee for every licensure biennium that the applicant failed to renew his or her electrical contractor's certification or registration.

Specific Authority 455.271(6)(b) FS. Law Implemented 455.271(6)(b) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Electrical Contractors' Licensing Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Electrical Contractors' Licensing Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: May 18, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Geologists

RULE NO.: 61G16-8.001
RULE TITLE: License and Certification Renewal and Reinstatement

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify reinstatement of null and void license as provided in Rule 61G16-4.004, F.A.C.

SUMMARY: The rule amendment will clarify reinstatement of null and void license as provided in Rule 61G16-4.004, F.A.C.

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: 455.02(2), 455.271(6)(b),(9), 468.4315(3) FS.

LAW IMPLEMENTED: 455.02(2), 455.271(6)(b), (9) 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 Morrison, Executive Director, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399-0764

THE FULL TEXT OF THE PROPOSED RULE IS:

61G16-8.001 License and Certification Renewal and Reinstatement.

Licenses and Certificates are renewed biennially on July 31 of even numbered years.

(1) through (2) No change.

(3) A revoked or null and void license may not be renewed; however, it may be reinstated as provided in Rule 61G16-4.004, F.A.C. Anyone with a revoked or null and void license who wishes to provide professional geological services shall obtain a current, active status license prior to practicing or be subject to discipline by the Department of Business and Professional Regulation apply as though never before licensed.

(4) No change.

Specific Authority 455.02(2), 455.271(6)(b), (9), 468.4315(3) FS. Law Implemented 455.02(2), 455.271(6)(b), (9) FS. History--New 10-3-04, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Geologists

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

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

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-3.010
RULE TITLE: License Reactivation Education for Brokers and Sales Associates

PURPOSE AND EFFECT: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.

SUMMARY: The Commission proposes the rule amendment to add language to the rule setting forth the required contents of the course to reactivate a license that has been inactive for more than 12 months but less than 24 months. The rule amendment will also set forth the requirements for retesting.

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: 475.05 FS.

LAW IMPLEMENTED: 475.04, 475.17, 475.182, 475.183, 475.451 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-3.010 License Reactivation Education for Brokers and Sales Associates.

(1) Brokers and sales associates holding an involuntarily inactive license may only maintain this status for 2 years. The first day of this allowable 2-year period is the first day the broker or sales associate failed to hold a valid and current active or voluntarily inactive license. After the second year, the broker's or sales associate's right to request an active or voluntarily inactive license automatically expires, by operation of law.

(2) Effective October 1, 2007, a A licensee may reactivate a license that has been involuntarily inactive for more than 12 months but less than 24 months by satisfactorily completing 28 hours of a Commission-prescribed education course derived from the Florida Real Estate Commission Salesperson Course Syllabus (FREC for licensure as a sales associate Course I). The Course I hours must be based on an approved course as set forth in Rule 61J2-3.008, F.A.C. Emphasis shall be placed on the real estate law and license law portions. The course shall contain coverage of the following topics: Real Estate License Law and Qualifications for Licensure (Session 2); Real Estate License Law and Commission Rules (Session 3); Authorized Relationships, Duties and Disclosure (Session 4); Real Estate Brokerage Activities: Guides for Salespersons (Session 5); Violations of License Law, Penalties and Procedures (Session 6); Federal and State Laws Pertaining to Real Estate (Session 7); Real Estate Contracts (Session 11); Real Estate Related Computations and Closing of Transactions (Session 14); and Real Estate Investments and Business Opportunity Brokerage (Session 17).

(3) Students who fail the Commission-prescribed end-of-course examination must wait at least 30 days from the date of the original examination to retest. Within one year of the original examination, a student may retest a maximum of one time. Otherwise, students who fail the end-of-course examination must repeat the course again to become eligible to take the end-of-course examination. Schools shall administer a different end-of-course examination to a student who retakes the exam or repeats the course.

(4)(3) A licensee may demonstrate satisfactory completion for reactivation by achieving a grade of 70% or higher on the Commission-prescribed 25 item end-of-course examination. The end-of-course examination shall contain 2 items per instructional hour or a minimum of 50 questions. The school must develop at least two forms of the end-of-course examination and submit them to the Department for approval. All courses shall conform to the requirements of Rule 61J2-3.008, F.A.C. The school shall test only students who have completed at least 90% of the required hours of instruction.

(5)(4) The school offering these Commission-prescribed courses shall inform each student of the standards and requirements at the commencement of each course and issue a notice of course completion as prescribed by the Commission in Rule 61J2-3.015, F.A.C.

(6)(5) Accredited universities, colleges, community colleges in this state, area technical centers or real estate schools registered pursuant to Section 475.451, F.S., may offer the Commission-prescribed courses. Satisfactory completion of these courses will not entitle any person to reactivate an involuntary inactive license as a real estate broker or sales associate until such person has met all other requirements of law.

(7)(6) Any active member in good standing with The Florida Bar, who is otherwise qualified under the real estate license law, is exempt from the reactivation education requirements of this rule.

Specific Authority 475.05 FS. Law Implemented 475.04, 475.17, 475.182, 475.183, 475.451 FS. History—New 1-1-80, Amended 8-24-80, 9-16-84, Formerly 21V-3.10, Amended 10-13-88, 6-28-93, Formerly 21V-3.010, Amended 12-30-97, 10-25-98, 1-18-00, 3-15-04, 11-8-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: May 15, 2007

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-10.030
RULE TITLE: Rental Information

PURPOSE AND EFFECT: The proposed rule amendment is necessary because of the legislative changes to Section 475.453, F.S., as a result of Chapter 2006-210, Laws of Florida.

SUMMARY: The change is designed to comply with the amendment to Section 475.453, F.S.

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: 475.05 FS.

LAW IMPLEMENTED: 475.453(1), (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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-10.030 Rental Information.

(1) Each broker or sales associate ~~Any licensee who attempts to negotiate a rental or who furnishes a rental information list~~ to a prospective tenant for a fee paid by the

tenant shall provide such prospective tenant with a written contract or receipt agreement containing the following provision in type size 10 point bold or larger:

NOTICE

PURSUANT TO FLORIDA LAW:

If the rental information provided under this contract is not current or accurate in any material aspect, you may demand within 30 days of this contract date a return of your full fee paid. If you do not obtain a rental you are entitled to receive a return of 75% of the fee paid, if you make demand within 30 days of this contract date.

(2) No change.

Specific Authority 475.05 FS. Law Implemented 475.453(1), (2) FS. History--New 1-1-80, Formerly 21V-10.30, Amended 6-28-93, Formerly 21V-10.030, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

RULE NO.: 61J2-24.001 **RULE TITLE:** Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this amendment is to implement the changes to Section 475.25(1), F.S., which now authorizes the Florida Real Estate Commission to impose administrative fines not to exceed \$5,000.00 for each count or separate offense and the additions of Section 475.25(1)(u) and (v), F.S. subsections 61J2-24.001(3), (11), F.A.C., is being repealed because Section 475.452, F.S., has been repealed.

SUMMARY: The rule amendments are necessary to reflect the changes made to Sections 475.25(1) and 475.452, F.S.

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: 455.2273, 475.05 FS.

LAW IMPLEMENTED: 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 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: Lori Crawford, Deputy Clerk, Division of Real Estate, 400 West Robinson Street, Hurston Building, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J2-24.001 Disciplinary Guidelines.

(1) Pursuant to Section 455.2273, F.S., the Commission sets forth below a range of disciplinary guidelines from which disciplinary penalties will be imposed upon licensees guilty of violating Chapters 455 or 475, F.S. The purpose of the disciplinary guidelines is to give notice to licensees of the range of penalties which normally will be imposed for each count during a formal or an informal hearing. For purposes of this rule, the order of penalties, ranging from lowest to highest, is: reprimand, fine, probation, suspension, and revocation or denial. Pursuant to Section 475.25(1), F.S., combinations of these penalties are permissible by law. Nothing in this rule shall preclude any discipline imposed upon a licensee pursuant to a stipulation or settlement agreement, nor shall the range of penalties set forth in this rule preclude the Probable Cause Panel from issuing a letter of guidance.

(2) As provided in Section 475.25(1), F.S., the Commission may, in addition to other disciplinary penalties, place a licensee on probation. The placement of the licensee on probation shall be for such a period of time and subject to such conditions as the Commission may specify. Standard probationary conditions may include, but are not limited to, requiring the licensee: to attend pre-licensure courses; to satisfactorily complete a pre-licensure course; to attend post-licensure courses; to satisfactorily complete a post-licensure course; to attend continuing education courses; to submit to and successfully complete the state-administered examination; to be subject to periodic inspections and interviews by a DBPR investigator; if a broker, to place the license on a broker associate status; or, if a broker, to file escrow account status reports with the Commission or with a DBPR investigator at such intervals as may be prescribed.

(3) The penalties are as listed unless aggravating or mitigating circumstances apply pursuant to subsection (4). The verbal identification of offenses is descriptive only; the full language of each statutory provision cited must be consulted in order to determine the conduct included.

VIOLATIONS

- (a) Section 475.22, F.S.
Broker fails to maintain office and sign at entrance of office.
- (b) Section 475.24, F.S.
Failure to register a branch office.
- (c) Section 475.25(1)(b), F.S.
Guilty of fraud, misrepresentation, concealment, false promises, false pretenses, dishonest dealing by trick, scheme or device, culpable negligence or breach of trust.

Guilty of violating a duty imposed by law or by the terms of a listing agreement; aided, assisted or conspired with another; or formed an intent, design or scheme to engage in such misconduct and committed an overt act in furtherance of such intent, design or scheme.
- (d) Section 475.25(1)(c), F.S.
False, deceptive or misleading advertising.
- (e) Section 475.25(1)(d), F.S.
Failed to account or deliver to any person as required by agreement or law, escrowed property.
- (f) Section 475.25(1)(e), F.S.
Violated any rule or order or provision under Chapters 475 and 455, F.S.
- (g) Section 475.25(1)(f), F.S.
Convicted or found guilty of a crime related to real estate or involves moral turpitude or fraudulent or dishonest dealing.
- (h) Section 475.25(1)(g), F.S.
Has license disciplined or acted against or an application denied by another jurisdiction.

RECOMMENDED RANGE OF PENALTY

- (a) The usual action of the Commission shall be to impose a penalty up to a 90 day suspension of up to 90 days.
- (b) The usual action of the Commission shall be to impose a suspension of up to 90 days penalty for up to 90 day.
- (c) In the case of fraud, misrepresentation and dishonest dealing, the usual action of the Commission shall be to impose a penalty of revocation.

In the case of concealment, false promises and false pretenses, the usual action of the Commission shall be to impose a penalty of a 3 to 5 year suspension and an administrative fine not to exceed \$5,000 of \$1,000.
- In the case of culpable negligence and breach of trust, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and penalty from a \$1,000 fine to up to a 1 year suspension.
In the case of violating a duty imposed by law or a listing agreement; aided, assisted or conspired; or formed an intent, design or scheme to engage in such misconduct, the usual action of the Commission shall be to impose an administrative fine penalty not to exceed \$5,000 and up from a \$1,000 fine to a 5 year suspension.
- (d) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up to a \$1,000 to a 1 year suspension.
- (e) The usual action of the Commission shall be to impose ~~a penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 5 year suspension.
- (f) The usual action of the Commission shall be to impose a ~~penalty from~~ an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.
- (g) The usual action of the Commission shall be to impose a ~~penalty from a~~ 7 year suspension to revocation and an administrative fine not to exceed \$5,000 of \$1,000.
- (h) Imposition of discipline comparable to the discipline which would have been imposed if the substantive violation had occurred in Florida or suspension of the license until the license is unencumbered in the jurisdiction in which the disciplinary action was originally taken, and an administrative fine not to exceed \$5,000 of \$1,000.

(i) Section 475.25(1)(h), F.S.
Has shared a commission with or paid a fee to a person not properly licensed under Chapter 475, F.S.

(i) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 5 year suspension.

(j) Section 475.25(1)(i), F.S.
Impairment by drunkenness, or use of drugs or temporary mental derangement.

(j) The usual action of the Commission shall be to impose a penalty of suspension for the period of incapacity.

(k) Section 475.25(1)(j), F.S.
Rendered an opinion that the title to property sold is good or merchantable when not based on opinion of a licensed attorney or has failed to advise prospective buyer to consult an attorney on the merchantability of title or to obtain title insurance.

(k) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 \$1,000 to~~ and up to a 6 month suspension.

(l) Section 475.25(1)(k), F.S.
Has failed, if a broker, to deposit any money in an escrow account immediately upon receipt until disbursement is properly authorized. Has failed, if a sales associate, to place any money to be escrowed with his registered employer.

(l) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a minimum of a 90 day suspension and \$1,000 fine up to revocation.

(m) Section 475.25(1)(l), F.S.
Has made or filed a report or record which the licensee knows to be false or willfully failed to file a report or record or willfully impeded such filing as required by State or Federal Law.

(m) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and \$1,000 to up~~ to a 2 year suspension

(n) Section 475.25(1)(m), F.S.
Obtained a license by fraud, misrepresentation or concealment.

(n) In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the act is discovered by the DBPR, the usual action of the Commission shall be to impose a penalty of revocation.

In the case of a licensee who renews the license without having complied with Rule 61J2-3.009, F.A.C., and the licensee brings the matter to the attention of the DBPR, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 a ~~penalty of a \$1,000 administrative fine~~ In all other cases, the usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a penalty of revocation ~~and of \$1,000.~~

(o) Section 475.25(1)(n), F.S.
Confined in jail, prison or mental institution; or through mental disease can no longer practice with skill and safety.

(o) The usual action of the Commission shall be to impose a penalty of revocation.

(p) Section 475.25(1)(o), F.S.
Guilty for the second time of misconduct in the practice of real estate that demonstrates incompetent, dishonest or negligent dealings with investors.

(p) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 of \$500~~ and a 1 year suspension to revocation.

(q) Section 475.25(1)(p), F.S.
Failed to give Commission 30 day written notice after a guilty or Nolo contendere plea or convicted of any felony.

(q) The usual action of the Commission shall be to impose a ~~penalty of a 5 year suspension to revocation~~

(r) Section 475.25(1)(q), F.S.

Licensee has failed to give the Transaction Broker Notice or Single Agent Notice at the requisite period of time under the provisions of Section 475.278, F.S.; failed to properly secure the Consent to Transition to Transaction Broker or Designated Sales Associate forms as required in Section 475.2755 or 475.278, F.S.; failed to act in a manner as prescribed in Section 475.2755 or 475.278, F.S.

(s) Section 475.25(1)(r), F.S.

Failed to follow the requirements of a written listing agreement.

(t) Section 475.25(1)(s), F.S.

Has had a registration suspended, revoked or otherwise acted against in any jurisdiction.

(u) Section 475.25(1)(t), F.S.

Violated the Uniform Standards of Professional Appraisal Practice as defined in Section 475.611, F.S.

(v) Section 475.25(1)(u), F.S.

Has failed, if a broker, to direct, control, or manage a broker associate or sales associate employed by such broker.

(w) Section 475.25(1)(v), F.S.

Has failed, if a broker, to review the brokerage's trust accounting procedures in order to ensure compliance with this chapter.

(x)(~~v~~) Section 475.25(2), F.S.

License issued by error of the Commission.

(y)(~~w~~) Section 475.42(1)(a), F.S.

Practice without a valid and current license.

(z)(~~x~~) Section 475.42(1)(b), F.S.

Practicing beyond scope as a sales associate.

(aa)(~~y~~) Section 475.42(1)(c), F.S.

Broker employs a sales associate who is not the holder of a valid and current license.

(bb)(~~z~~) Section 475.42(1)(d), F.S.

A sales associate shall not collect any money in connection with any real estate brokerage transaction except in the name of the employer.

(cc)(~~aa~~) Section 475.42(1)(e), F.S.

A violation of any order or rule of the Commission.

(dd)(~~bb~~) Section 475.42(1)(g), F.S.

Makes false affidavit or affirmation or false testimony before the Commission.

(r) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 5 year suspension.

(s) The usual action of the Commission shall be to impose a ~~penalty of an administrative fine not to exceed \$5,000 and up of \$1,000~~ to a 3 year suspension.

(t) The usual action of the Commission shall be to impose a ~~penalty from~~ a 6 year suspension to revocation and an administrative fine not to exceed \$5,000 ~~of \$1,000~~.

(u) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

(u) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

(v) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000, and, up to a 1 year suspension to revocation.

(w) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

(x)(~~v~~) The usual action of the Commission shall be to impose a penalty of an administrative fine not to exceed \$5,000, and a 1 year suspension to revocation.

(y)(~~w~~) The usual action of the Commission shall be to impose an administrative fine not to exceed \$5,000 and a ~~penalty of~~ a 3 year suspension to revocation.

(z)(~~x~~) The usual action of the Commission shall be to impose a ~~penalty of~~ a 3 year suspension to revocation.

(aa)(~~y~~) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$ 5,000 ~~of \$1,000~~ and a 90 day ~~suspension~~ to a 2 year suspension.

(bb)(~~z~~) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$ 5,000 and up to a 3 year suspension.

(cc)(~~aa~~) The usual action of the Commission shall be to impose a ~~penalty of~~ an 8 year suspension to revocation and an administrative fine not to exceed \$5,000 ~~of \$1,000~~.

(dd)(~~bb~~) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(ee)~~(ee) Section 475.42(1)(h), F.S.

Fails to comply with subpoena.

~~(ff)~~(dd) Section 475.42(1)(i), F.S.

Obstructs or hinders the enforcement of Chapter 475, F.S.

~~(gg)~~(ee) Section 475.42(1)(j), F.S.

No broker or sales associate shall place upon the public records any false, void or unauthorized information that affects the title or encumbers any real property.

~~(hh)~~(ff) Section 475.42(1)(k), F.S.

Failed to register trade name with the Commission.

~~(ii)~~(gg) Section 475.42(1)(l), F.S.

No person shall knowingly conceal information relating to violations of Chapter 475, F.S.

~~(jj)~~(hh) Section 475.42(1)(m), F.S.

Fails to have a current license as a broker or sales associate while listing or selling one or more timeshare periods per year.

~~(kk)~~(ii) Section 475.42(1)(n), F.S.

Licensee fails to disclose all material aspects of the resale of timeshare period or timeshare plan and the rights and obligations of both buyer or seller.

~~(ll)~~(jj) Section 475.42(1)(o), F.S.

Publication of false or misleading information; promotion of sales, leases and rentals.

~~(mm)~~(kk) Section 475.451, F.S.

School teaching real estate practice fails to obtain a permit from the department and does not abide by regulations of Chapter 475, F.S., and rules adopted by the Commission.

(ll) Section 475.452, F.S.

~~A broker contracts for or collects an advance fee for the listing of real property and fails to properly deposit 75 percent in a trust account according to Chapter 475, F.S., and rules adopted by the Commission.~~

~~(nn)~~(mm) Section 475.453, F.S.

Broker or sales associate participates in any rental information transaction that fails to follow the guidelines adopted by the Commission and Chapter 475, F.S.

~~(oo)~~(nn) Rule 61J2-10.039, F.A.C., Section 475.25(1)(c),

F.S. Failure to produce records within 5 business days from receipt of request for inspection or audit or to maintain records as required.

~~(ee)~~(ee) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 ~~of \$1,000~~ and a 6 month ~~suspension~~ to a 5 year suspension.

~~(ff)~~(dd) The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(gg)~~(ee) The usual action of the Commission shall be to impose a ~~penalty of~~ a 5 year suspension to revocation.

~~(hh)~~(ff) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.

~~(ii)~~(gg) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(jj)~~(hh) The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

~~(kk)~~(ii) The usual action of the Commission shall be to impose a ~~penalty of~~ revocation.

(ll)(jj) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 1 year suspension.

~~(mm)~~(kk) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 6 month suspension.

(ll) The usual action of the Commission shall be to impose a penalty of an administrative fine of \$1,000 to a 6 month suspension.

~~(nn)~~(mm) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 and up of \$1,000 to a 3 year suspension.

~~(oo)~~(nn) The usual action of the Commission shall be to impose a ~~penalty of~~ an administrative fine not to exceed \$5,000 ~~of \$1,000~~ and up to a 3 month suspension.

(4) No change.

Specific Authority 455.2273, 475.05 Law Implemented 455.227, 455.2273, 475.22, 475.24, 475.25, 475.42, 475.421, 475.422, 475.452, 475.453, 475.455, 475.482 FS. History—New 11-24-86, Amended 10-13-88, 4-20-89, 5-20-90, 12-29-91, 11-8-92, 6-28-93, Formerly 21V-24.001, Amended 11-16-93, 2-29-96, 12-30-97, 11-29-98, 1-18-00, 2-5-04, 1-30-06.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Florida Real Estate Commission

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 26, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 16, 2006

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.:	RULE TITLE:
62-204.800	Federal Regulations Adopted by Reference

PURPOSE, EFFECT AND SUMMARY: The proposed rule amendments update, through June 30, 2007, the department's adoption-by-reference of air pollution regulations promulgated by the U.S. Environmental Protection Agency (EPA) at 40 CFR Parts 50, 51, 52, 53, 58, 60, 61, and 63. The amendments also reverse the adoption-by-reference of EPA regulations at 40 CFR 60, Subparts CCCC and DDDD, and 40 CFR 63, Subpart DDDDD, that have been vacated. The amendments also correct internal rule citations.

SPECIFIC AUTHORITY: 403.8055 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.8055 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: Ms. Patricia E. Comer, Office of General Counsel, Department of Environmental Protection, 3900 Commonwealth Blvd., MS 35, Tallahassee, Florida 32399-3000.

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:

62-204.800 Federal Regulations Adopted by Reference.

All federal regulations cited throughout the air pollution rules of the Department are adopted and incorporated by reference in this rule. The purpose and effect of each such federal regulation is determined by the context in which it is cited. Procedural and substantive requirements in the incorporated federal regulations are binding as a matter of state law only where the context so provides.

(1) Title 40, Code of Federal Regulations, Part 50, National Primary and Secondary Ambient Air Quality Standards.

(a) The provisions of 40 CFR Part 50, Sections 50.1 through 50.12, revised as of July 1, 2006; ~~Section~~ 50.13, promulgated October 17, 2006, at 71 FR 61143; and ~~Section~~ 50.14, promulgated March 22, 2007, at 72 FR 13559; amended May 22, 2007, at 72 FR 28612; are adopted and incorporated by reference.

(b) No change.

1. through 14. No change.

(2) No change.

(3) Title 40, Code of Federal Regulations, Part 52, Approval and Promulgation of Implementation Plans. The following subparts of 40 CFR Part 52, revised as of July 1, 2003, or later as specifically indicated, are adopted and incorporated by reference:

(a) 40 CFR Part 52, Subpart A, General Provisions; amended June 13, 2007, at 72 FR 32526.

(b) No change.

(4) Title 40, Code of Federal Regulations, Part 53, Ambient Air Monitoring Reference and Equivalent Methods.

The following subparts of 40 CFR Part 53, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

(a) through (b) No change.

(c) 40 CFR 53, Subpart C, Procedures for Determining Comparability Between Candidate Methods and Reference Methods; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(d) No change.

(e) 40 CFR 53, Subpart E, Procedures for Testing Physical (Design) and Performance Characteristics of Reference Methods and Class I and Class II Equivalent Methods for PM_{2.5} or PM_{10-2.5}; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(f) 40 CFR 53, Subpart F, Performance Specifications for PM_{2.5} Class II Equivalent Samplers; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

(5) No change.

(6) Title 40, Code of Federal Regulations, Part 58, Ambient Air Quality Surveillance.

(a) The following subparts of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. No change.

2. 40 CFR 58, Subpart B, Monitoring Network, amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

3. 40 CFR 58, Subpart C, Special Purpose Monitors; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. though 6. No change.

(b) The following appendices of 40 CFR Part 58, revised as of July 1, 2006, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 58, Appendix A, Quality Assurance Requirements for SLAMS, SPMs and PSD Air Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

2. No change.

3. 40 CFR 58, Appendix D, Network Design Criteria for Ambient Air Quality Monitoring; amended October 17, 2006, at 71 FR 61235; amended June 12, 2007, at 72 FR 32193.

4. through 5. No change.

(7) No change.

(8) Title 40, Code of Federal Regulations, Part 60, Standards of Performance for New Stationary Sources.

(a) No change.

(b) Standards Adopted. The following Standards of Performance for New Stationary Sources contained in 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR 60, Subpart D, Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced After August 17, 1971; amended June 13, 2007, at 72 FR 32709.

2. 40 CFR 60, Subpart Da, Electric Utility Steam Generators for Which Construction Is Commenced After September 18, 1978; amended August 14, 2001, at 66 FR 42608; amended May 18, 2005, at 70 FR 28605; amended August 30, 2005, at 70 FR 51266; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.47a.

3. 40 CFR 60, Subpart Db, Industrial-Commercial-Institutional Steam Generating Units; amended August 14, 2001, at 66 FR 42608; amended October 1, 2001, at 66 FR 49830; amended February 27, 2006, at 71 FR 9865; amended November 16, 2006, at 71 FR 66681; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for purposes of 40 CFR 60.44b(f) and (g) and 40 CFR 60.49b(a)(4).

4. 40 CFR 60, Subpart Dc, Small Industrial-Commercial-Institutional Steam Generating Units; amended February 27, 2006, at 71 FR 9865; amended June 13, 2007, at 72 FR 32709; except that the Secretary is not the Administrator for the purposes of 40 CFR 60.48c(a)(4).

5. through 72. No change.

73. 40 CFR 60, Subpart AAAA, New Small Municipal Waste Combustion Units. Any small municipal waste combustion unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart AAAA, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with ~~paragraph subparagraph~~ 62-213.420(1)(a)2-, F.A.C.

74. 40 CFR 60, Subpart CCCC, Commercial and Industrial Solid Waste Incineration Units; ~~amended September 22, 2005, at 70 FR 55568.~~ Any CISWI unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR 60, Subpart CCCC, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with ~~paragraph subparagraph~~ 62-213.420(1)(a)2-, F.A.C.

75. 40 CFR 60, Subpart EEEE, Other Solid Waste Incineration Units for Which Construction Is Commenced After December 9, 2004, or for Which Modification of Reconstruction Is Commenced on or After June 16, 2006; promulgated December 16, 2005, at 70 FR 74869; amended November 24, 2006, at 71 FR 67802. Any solid waste incineration unit subject to the permitting requirements of Chapter 62-213, F.A.C., solely because it is subject to 40 CFR Part 60, Subpart EEEE, shall file an application for an operation permit under the requirements of Chapter 62-213, F.A.C., in accordance with ~~paragraph subparagraph~~ 62-213.420(1)(a)2-, F.A.C., ~~or by December 18, 2006, whichever comes later.~~

76. through 77. No change.

(c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 60, Subpart A, revised as of July 1, 2001; amended August 27, 2001, at 66 FR 44978; amended July 8, 2004, at 69 FR 41346; amended May 18, 2005, at 70 FR 28605; amended December 16, 2005, at 70 FR 74869; amended June 1, 2006, at 71 FR 31100; amended July 6, 2006, at 71 FR 38481; amended July 11, 2006, at 71 FR 39153; amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; are adopted and incorporated by reference except that the Secretary is not the Administrator for purposes of 40 CFR 60.4, 40 CFR 60.8(b)(2) and (3), 40 CFR 60.11(e)(7) and (8), 40 CFR 60.13(g), (i) and (j)(2), and 40 CFR 60.16.

(e) Appendices Adopted. The following appendices of 40 CFR Part 60, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 8. No change.

9. 40 CFR 60, Appendix B, Performance Specifications, amended January 12, 2004, at 69 FR 1785; amended May 18, 2005, at 70 FR 28605; amended September 21, 2006, at 71 FR 55119; amended June 13, 2007, at 72 FR 32709.

10. through 11. No change.

12. 40 CFR 60, Appendix F, Quality Assurance Procedures, amended January 12, 2004, at 69 FR 1785; amended June 13, 2007, at 72 FR 32709.

(9) Title 40, Code of Federal Regulations, Part 60, Emission Guidelines and Compliance Times.

(a) through (e) No change.

(f) Commercial and Industrial Solid Waste Incineration Units. 40 CFR 60, Subpart DDDD, Emission Guidelines and Compliance Times for Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or Before November 30, 1999, revised as of July 1, 2001, ~~amended September 22, 2005, at 70 FR 55568~~; is hereby adopted and incorporated by reference subject to the following provisions:

1. through 13. No change.

(g) through (h) No change.

(10) Title 40, Code of Federal Regulations, Part 61, National Emission Standards for Hazardous Air Pollutants.

(a) through (c) No change.

(d) General Provisions Adopted. The general provisions of 40 CFR Part 61, Subpart A, revised as of July 1, 2001, amended May 16, 2007, at 72 FR 27437; amended June 13, 2007, at 72 FR 32709; are adopted and incorporated by reference; except for 40 CFR 61.08 and except that the Secretary is not the Administrator for the purposes of 40 CFR 61.04, 40 CFR 61.11, and 40 CFR 61.18. In lieu of the process set forth in 40 CFR 61.08, the Department will follow the permit processing procedures of Rule 62-4.055, F.A.C.

(e) No change.

(11) Title 40, Code of Federal Regulations, Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories.

(a) No change.

(b) Standards Adopted. The following National Emission Standards for Hazardous Air Pollutants contained in 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. through 12. No change.

13. 40 CFR 63, Subpart T, Halogenated Solvent Cleaning; amended June 23, 2003, at 68 FR 37333; amended May 3, 2007, at 72 FR 25137; except that the Secretary is not the Administrator for purposes of 40 CFR 63.470(c)(1) through (4).

14. through 38. No change.

39. 40 CFR 63, Subpart XX, Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations; promulgated July 12, 2002, at 67 FR 46257; amended April 13,

2005, at 70 FR 19266; amended June 29, 2007, at 72 FR 35663; except that the Secretary is not the Administrator for the purposes of 40 CFR 63.1097(b)(1) through (5).

40. through 65. No change.

66. 40 CFR 63, Subpart IIII, Surface Coating of Automobiles and Light-Duty Trucks; promulgated April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227.

67. through 71. No change.

72. 40 CFR 63, Subpart PPPP, Surface Coating of Plastic Parts and Products; promulgated April 19, 2004, at 69 FR 20967; amended April 26, 2004, at 69 FR 22601; amended April 20, 2006, at 71 FR 20445; amended December 22, 2006, at 71 FR 76922; amended April 24, 2007, at 72 FR 20227; except that the Secretary is not the Administrator for purposes of 40 CFR 63.4580(c)(1) through (4).

73. through 85. No change.

86. ~~Reserved. 40 CFR 63, Subpart DDDDD; Industrial, Commercial, and Institutional Boilers and Process, promulgated September 13, 2004, at 69 FR 55217; amended December 28, 2005, at 70 FR 76917; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; except that the Secretary is not the Administrator for purposes of 40 CFR 63.7570(b)(1) through (5).~~

87. through 105. No change.

(c) No change.

(d) General Subparts Adopted. The following general subparts of 40 CFR Part 63, revised as of July 1, 2001, or later as specifically indicated, are adopted and incorporated by reference:

1. 40 CFR Part 63, Subpart A, General Provisions; amended February 27, 2002, at 67 FR 9156; amended April 5, 2002, at 67 FR 16581; amended February 18, 2003, at 68 FR 7706; amended April 21, 2003, at 68 FR 19375; amended May 20, 2003, at 68 FR 27645; amended May 23, 2003, at 68 FR 28605; amended May 27, 2003, at 68 FR 28774; amended May 28, 2003, at 68 FR 31745; amended May 29, 2003, at 68 FR 32171; amended May 30, 2003, at 68 FR 32585; amended November 13, 2003, at 68 FR 64431; amended December 19, 2003, at 68 FR 70959; amended January 2, 2004, at 69 FR 129; amended February 3, 2004 at 69 FR 5038; amended April 19, 2004, at 69 FR 20967; amended April 22, 2004, at 69 FR 21905; amended April 26, 2004, at 69 FR 22601; amended June 15, 2004, at 69 FR 33473; amended July 30, 2004, at 69 FR 45943; amended April 15, 2005, at 70 FR 19991; amended May 20, 2005, at 70 FR 29399; amended October 12, 2005, at 70 FR 59401; amended April 20, 2006, at 71 FR 20445; amended December 6, 2006, at 71 FR 70651; amended January 3, 2007, at 72 FR 26; amended January 23, 2006, at 72 FR 2929; amended May 16, 2007, at 72 FR 27437; except that the

Secretary is not the Administrator for purposes of 40 CFR 63.5(e), 40 CFR 63.5(f), 40 CFR 63.6(g), 40 CFR 63.6(h)(9), 40 CFR 63.6(j), 40 CFR 63.13, and 40 CFR 63.14.

- 2. through 5. No change.
- (e) No change.
- (12) through (26) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—New 3-13-96, Amended 6-25-96, 10-7-96, 10-17-96, 12-20-96, 4-18-97, 6-18-97, 7-7-97, 10-3-97, 12-10-97, 3-2-98, 4-7-98, 5-20-98, 6-8-98, 10-19-98, 4-1-99, 7-1-99, 9-1-99, 10-1-99, 4-1-00, 10-1-00, 1-1-01, 8-1-01, 10-1-01, 4-1-02, 7-1-02, 10-1-02, 1-1-03, 4-1-03, 10-1-03, 1-1-04, 4-1-04, 7-1-04, 10-1-04, 1-1-05, 4-1-05, 7-1-05, 10-1-05, 1-1-06, 4-1-06, 7-1-06, 9-4-06, 9-6-06, 1-8-07, 1-31-07, 4-2-07, 5-31-07, 7-2-07, 10-1-07.

DEPARTMENT OF JUVENILE JUSTICE

Residential Services

RULE NOS.:	RULE TITLES:
63E-6.002	Definitions
63E-6.003	Admission Criteria
63E-6.006	Program Components
63E-6.012	Residential Substance Abuse Treatment Overlay Services

PURPOSE AND EFFECT: The amendment changes the admission criteria for Sheriff’s Training and Respect (STAR) programs to accommodate youths with specified substance abuse and psychiatric conditions.

SUMMARY: The amended rule expands the admission criteria to include youths with specified substance abuse and psychiatric conditions who may be sent to STAR programs that have the capacity to provide specified services.

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: 985.4891 FS.

LAW IMPLEMENTED: 985.4891(2)-(4) 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 24, 2007, 10:00 a.m.
 PLACE: DJJ Headquarters, 2737 Centerview Drive, Ste. 3200, General Counsel’s Conference Room, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Lydia Monroe, 2737 Centerview Dr., Ste. 3200, Tallahassee, FL 32399-3100; e-mail, lydia.monroe@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63E-6.002 Definitions.

(1) Alternative Training – authorized physical activities, ~~or~~ extra duty assignments, or verbal counseling which are imposed by STAR program staff following a youth’s misconduct. Alternative training is intended to correct a youth’s behavior by imposing minor sanctions.

(2) Critical Life Safety – a condition or conditions in facility buildings and grounds or in the operation of the program that may adversely affect the health or safety of youth and staff.

(3) Designated Health Authority – ~~a Physician licensed under Chapter 458 or 459, F.S.~~ the individual who is responsible for the provision of necessary and appropriate health care to youth in a residential commitment program. Individual Designated Health Authorities must be a physician (MD) or osteopathic physician (DO) who holds a clear and active license pursuant to Chapter 458 or Chapter 459, F.S. respectively, and meet all requirements to practice independently in the State of Florida.

(4) Designated Mental Health Authority – a specified licensed mental health professional who, by agreement, employment, contract or other arrangement, provides and/or supervises the provision of mental health care within a detention center or residential program.

(5)(4) Direct Care – means direct contact with youth for the purpose of providing care, supervision, custody, or control of youth in the STAR program.

(6)(5) Extenuating Circumstances – a situation or circumstance beyond the control of the program, including but not limited to hurricanes/Acts of God, facility damage or structural problems, and situations involving a youth prior to his or her admission into the program.

(7)(6) Intensive Mental Health Treatment – treatment for:
 (a) Youth with a Diagnostic and Statistical Manual of Mental Disorders – Fourth Edition, Text Revision (DSM-IV-TR) diagnosis of: Schizophrenia or other Psychotic Disorder; Major Depression, Bipolar Disorder or other Mood Disorder; Generalized Anxiety Disorder or other Anxiety Disorder; Personality Disorder; or

~~(b) Youth classified as Severely Emotionally Disabled (SED) or Emotionally Handicapped (EH) by the school system; or~~

(b)(e) Youth who have a psychiatric disorder that requires treatment with psychotropic medication; or

(c)(4) Youth who have a psychiatric disorder (other than Conduct Disorder) and serious impairment in functioning as evidenced by a Global Assessment of Functioning (GAF) Scale rating of 50 or below.

(d) Youth who have a behavioral history of significant anti-social personality traits and features to include: animal cruelty, fire setting, and predatory behavior.

(e) Youth who have a behavior history of sexual deviance.

~~(8)~~(7) Minimum Thresholds – defined as at least a 60 percent performance overall rating in the department’s Quality Assurance evaluation system, as referenced in subsection 63E-6.008(1), F.A.C.

~~(9)~~(8) Obstacle Course – a strenuous exercise program, which requires youth to overcome a series of barriers and is designed to promote the development of self-confidence and physical endurance.

~~(10)~~(9) Physical Training – a series of organized group calisthenics and exercises designed to develop the physical fitness of a youth to an optimum level.

~~(11)~~(10) Post-residential Services Counselor – the person supervising the youth’s post-commitment probation or conditional release after residential placement.

~~(12)~~(11) Program Director – a STAR program staff member who is responsible for all aspects of the STAR program, including, but not limited to, program content, staff supervision, youth treatment and facility security.

~~(13)~~(12) Protective Action Response Policy – the departmental policy governing staff’s use of verbal and physical intervention techniques, mechanical restraints, prohibition of aerosol and chemical agents, and Tasers, as referenced in Rule Chapter 63H-1, F.A.C.

~~(14)~~(13) Suicidal Risk History – means youth with any history of: suicide attempt; suicide gesture; intentional self-injurious behavior; suicide ideation or suicide threats; or history of Baker Act or inpatient/psychiatric hospitalization for suicidal issues.

Specific Authority 985.48913094, 985.645405 FS. Law Implemented 985.48913094 FS. History–New 11-19-06, Amended _____.

63E-6.003 Admission Criteria.

(1) A youth is eligible for the STAR program if:

(a) He or she is at least 14 years of age but less than 18 years of age at the time of adjudication; and

(b) Has been committed to the department for any offense that, if committed by an adult, would be a felony other than a capital felony, a life felony, or a violent felony of the first degree.

(2) All youth referred to the STAR program shall be screened by the department to determine if they have the physical, psychological and substance abuse profile conducive to successfully completing the rigorous physical aspects and intensive behavioral management inherent in a STAR program. The screening shall include:

(a) A comprehensive physical assessment prior to admission conducted by a physician (M.D., D.O.) or physician assistant (PA) licensed under Chapter 458 or 459, F.S., or an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S. The assessment shall include a resting electrocardiogram (EKG) to screen for baseline arrhythmias. These assessments shall assist in determining the youth’s fitness for the physical demands of the program and to

preliminarily screen out those youth whose health problems would prohibit them from engaging in intensive physical exercise as determined by the program’s physical exercise curricula. Any youth with abnormal EKGs shall be automatically excluded;

(b) The comprehensive physical assessment and all required tests must be completed within 60 days prior to commencement of the STAR program;

(c) A preadmission comprehensive evaluation with the psychological component conducted by a licensed mental health professional or a Master’s level mental health clinical staff person working under the direct supervision of a licensed mental health professional should be completed no more than six months prior to referral to the STAR program. A mental health clinical staff person is a person providing mental health services for DJJ involved youth in a DJJ facility or program who has received training in mental health assessment processes and procedures and mental health treatment strategies and techniques. A Master’s level mental health clinical staff person is a person who holds a Master’s degree from an accredited university or college with a major in psychology, social work, counseling or related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy. Licensed mental health professional means a board certified psychiatrist licensed pursuant to Chapter 458, F.S., a psychologist licensed pursuant to Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapist licensed pursuant to Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S. This evaluation must be completed prior to admission to screen out those youth whose mental status requires psychotropic medication interventions, who have a developmental disability as defined by an IQ less than 75 or classification as “Educable Mentally Handicapped” or “Intellectual Disabilities.” ~~“Trainable Mentally Handicapped,”~~ need intensive mental health treatment, reveal suicidal risk histories, have a DSM-IV-TR diagnosis of substance abuse, substance dependence, poly substance dependence, substance intoxication or substance withdrawal, or indicate high-risk suicidal tendencies or history of self-injurious behavior. Youth diagnosed with substance abuse or substance abuse dependence disorders may be considered for placement if the STAR program has been designated by the Department as meeting the requirements to provide residential substance abuse treatment overlay services (RSAT Overlay Services) pursuant to Rule 63E-6.012, F.A.C.

(3) Within 24 hours of admission, a preadmission substance abuse screening test must be conducted or ordered by the department, with results of testing reviewed prior to admission to the STAR program.

Specific Authority ~~985.4891(3094)~~, 985.645405 FS. Law Implemented 985.4891(2), (7)(a) ~~3094(2)~~, ~~(7)(a)~~ FS. History--New 11-19-06. Amended _____.

63E-6.006 Program Components.

(1) The STAR program shall contain the following program components or services:

(a) Participation in physical training exercises, which are designed to develop optimum physical conditioning of the youth. The physical conditioning may include the use of an obstacle course;

(b) Educational and vocational services, designed to meet youth abilities, specialized needs and interests;

(c) Community service or work assignments of a productive nature;

(d) Personal development counseling, which shall include training in good decision making, development of social adjustment skills, and life and job skills education. Counseling services shall also be provided to replace criminal thinking, beliefs and values with pro-social thinking, beliefs and values;

(e) Mental health and substance abuse counseling and services shall be provided, including alcohol and other drug abuse awareness, education, treatment or referral to treatment for youth in need of such services, ~~and If a STAR program is designated for residential substance abuse treatment overlay service (RSAT Overlay Services), the STAR program must provide those services in accordance with Rule 63E-6.0012, F.A.C.~~

(f) Health care services, sick call and acute and chronic medical treatment provided by the Designated Health Authority, a Physician Assistant (PA) licensed under Chapter 458 or 459, F.S., an Advanced Registered Nurse Practitioner (ARNP) licensed and certified under Chapter 464, F.S., or a Registered Nurse licensed under Chapter 464, F.S., at the level appropriate to their training.

(2) While the youth is in the program, assessment shall be made for conditional release, providing for the youth's transition back to his or her home community.

Specific Authority ~~985.4891(3094)~~, 985.645405 FS. Law Implemented 985.4891(3), (4) ~~3094(3)~~, ~~(4)~~ FS. History--New 11-19-06. Amended _____.

63E-6.012 Residential Substance Abuse Treatment Overlay Services.

(1) In order for a STAR program to be designated as qualified to provide residential substance abuse treatment overlay services (RSAT Overlay Services), the following requirements must be met.

(2) Residential Substance Abuse Treatment Overlay Services (RSAT Overlay Services), are defined as: substance abuse assessments; substance abuse education; substance abuse treatment activities such as substance abuse counseling,

skills training (e.g., substance refusal skills, coping skills, interpersonal problem solving skills) and relapse prevention. These services shall be provided as follows:

(a) Delivered to youth with a diagnosed Substance-Related Disorder and functional impairment associated with substance abuse or substance dependence. The youth may also have a co-occurring mental disorder other than those mental disorders identified in subsection 63E-6.002(6), F.A.C. However, substance abuse must be the primary disorder. Substance abuse services in DJJ facilities must be provided in accordance with subsection 65D-30.003(15), F.A.C.

(b) Clinical Staffing Requirements:

1. Designated Mental Health Authority-The provider shall designate a single licensed mental health professional as the Designated Mental Health Authority. The role and function of the Designated Mental Health Authority shall be clearly articulated in a written agreement between the Provider and the Designated Mental Health Authority. There must be clear organizational lines of authority and communication between the Designated Mental Health Authority and the clinical staff who are delivering on-site mental health and substance abuse services in the program.

2. Qualified Professional – must be on-site at least five days per week wherein services are provided under Chapter 397 licensure as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C.

3. Substance Abuse Clinical Staff: A substance abuse clinical staff person must be on-site 7 days of the week in facilities where services are provided under Chapter 397 licensure as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C. A substance abuse clinical staff must be on-site each day Substance Abuse Overlay Services are billed.

4. Licensed Qualified Professional: must be on-site 7 days of the week in DJJ facilities that are not licensed under Chapter 397, F.S., or where services are not provided by a service provider licensed under Chapter 397, F.S. The licensed qualified professional must be on-site and provide a substance abuse service each day Substance Abuse Overlay Services are billed.

5. Psychiatrist – must be on-site bi-weekly for consultation, medication management and to participate in treatment planning for youths receiving psychotropic medication.

(c) Clinical Staff Qualifications:

1. Qualified Professional – a physician licensed under Chapter 458 or 459, F.S.; a professional licensed under Chapter 490 or 491, F.S.; or a person who is certified through a DCF recognized certification process of substance abuse treatment services and who holds, at a minimum, a bachelor's degree and meets all the requirements in Section 397.311(25), F.S.

2. Licensed Qualified Profession – a person who is a physician licensed under Chapter 458 or 459, F.S. a psychologist licensed under Chapter 490 or a mental health counselor, clinical social worker or marriage and family therapist licensed under Chapter 491, Florida Statutes.

3. Certified Addiction Professional: A person who is certified through a Department of Children and Families recognized certification process for substance abuse treatment services and who holds, at a minimum, a bachelor's degree. A person who is certified in substance abuse treatment services by a state-recognized certification process in another state at the time of employment with a licensed service provider in this state must meet the requirements set forth in Section 397.311(25), F.S.

4. Substance Abuse Clinical Staff: A non-licensed substance abuse clinical staff person may provide substance abuse services in a DJJ residential commitment program only as an employee of a service provider licensed under Chapter 397, F.S., or in facility licensed under Chapter 397, Florida Statutes as specified in paragraph 65D-30.003(15)(a) or (b), F.A.C. The non-licensed substance abuse clinical staff person must hold a bachelor's degree from an accredited university or college with a major in psychology, social work, counseling or related human services field and meet the training requirements provided in Chapter 65D-30, F.A.C., and work under the direct supervision of a qualified professional under Section 397.311(25), F.S.

5. Licensed Mental Health Professional: A psychiatrist licensed under Chapter 458 or 459, F.S., who is board certified in Child and Adolescent Psychiatry or Psychiatry by the American Board of Psychiatry and Neurology or has completed a training program in Psychiatry approved by the American Board of Psychiatry and Neurology for entrance into its certifying examination, a psychologist licensed under Chapter 490, F.S., a mental health counselor, clinical social worker or marriage and family therapy licensed under Chapter 491, F.S., or a psychiatric nurse as defined in Section 394.455(23), F.S.

6. Mental Health Clinical Staff Person: A mental health clinical staff person, if not otherwise licensed, must have, at a minimum, a bachelor's degree from an accredited university or college with a major in psychology, social work, counseling or a related human services field. Related human services field is one in which major course work includes the study of human behavior and development, counseling and interviewing techniques, and individual, group or family therapy.

7. A non-licensed mental health clinical staff person providing mental health services in the program must meet one of the following qualifications and comply with d.

a. Hold a master's degree from an accredited university or college in the field of counseling, social work, psychology, or related human services field; or

b. Hold a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology or related human services field and have two years experience working with (e.g., assessing, counseling, treating) youths with serious emotional disturbance or substance abuse problems; or

c. Hold a bachelor's degree from an accredited university or college in the field of counseling, social work, psychology or related human services field and have 52 hours of pre-service training prior to working with youths. The 52 hours of pre-service training must include a minimum of 16 hours of documented training in their duties and responsibilities. When pre-service training has been successfully completed, the non-licensed person may begin working with youths, but must be trained for one year by a mental health clinical staff person who holds a master's degree. Pre-service training must cover, at a minimum: basic counseling skills, basic group skills, program philosophy, therapeutic milieu, behavior management, client rights, crisis intervention, early intervention and de-escalation, documentation requirements, normal and abnormal adolescent development and typical behavior problems.

(d) Required Components. Non-licensed mental health clinical staff person must work under the direct supervision of a licensed mental health professional. Direct Supervision means that the licensed mental health professional has at least one hour per week of on-site face-to-face interaction with the non-licensed mental health clinical staff person for the purpose of overseeing and directing the mental health services that the non-licensed mental health clinical staff person is providing in the facility. The licensed mental health professional must assure that mental health clinical staff working under their direct supervision are performing services that they are qualified to provide based on education, training and experience.

1. Substance abuse screening at the time of admission;

2. Comprehensive substance abuse evaluation or updated evaluation;

3. Substance abuse treatment planning, updating and review;

4. Daily substance abuse services for each youth; (7 days of the week) provided by substance abuse clinical staff;

5. Individual, group and family substance abuse counseling; (substance abuse counseling provided to each youth at least 5 days of the week);

6. Psychiatric services as needed, and is required for youths receiving psychotropic medication A psychiatrist must be on-site bi-weekly to provide psychiatric evaluations, medication management and participate in treatment planning for youths receiving psychotropic medication;

7. Mental health evaluation and treatment for youths with co-occurring mental disorder;

8. Routine and Random urinalysis drug testing with positive tests followed by appropriate clinical intervention and sanctions. This includes drug screening upon the youth's initial intake into the program;

9. Crisis Intervention and Suicide Prevention services;

10. 24-hour response capability;

11. All provided services must be documented.

Specific Authority 985.4891, 985.645 FS. Law Implemented 985.4891(3) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Joan Wimmer, DJJ Residential Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Rex Uberman, DJJ Assistant Secretary for Residential Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 20, 2007

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.0091
RULE TITLE: Requirement for Physician Office Registration; Inspection or Accreditation

PURPOSE AND EFFECT: The proposed rule amendment is intended to address physician trainees in office surgery settings.

SUMMARY: The proposed rule amendment specifies that physicians in post-graduate training programs are not required to register provided that they practice under direct supervision; under the auspices of their training programs; and for a period not to exceed three months.

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: 458.309(1), (3) FS.

LAW IMPLEMENTED: 456.069, 456.072(1)(cc), 458.309(3) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.0091 Requirement for Physician Office Registration; Inspection or Accreditation.

(1) Registration.

(a) Every licensed physician who holds an active Florida license and performs Level II surgical procedures in Florida with a maximum planned duration of more than five (5) minutes or any Level III office surgery, as fully defined in Rule 64B8-9.009, F.A.C., shall register the office with the Department of Health. It is the physician's responsibility to ensure that every office in which he or she performs Levels II or III surgical procedures as described above is registered, regardless of whether other physicians are practicing in the same office or whether the office is non-physician owned. Physicians participating in post-graduate training programs, and registered pursuant to Section 458.345, F.S., may provide services under the direct supervision of a Florida physician, licensed pursuant to Section 458.311 or 458.313, F.S., in an office surgery facility and under the auspices of their training program for a period of time not to exceed three months without registering pursuant to this rule.

(b) through (d) No change.

(2) through (3) No change.

Specific Authority 458.309(1), (3) FS. Law Implemented 456.069, 456.072(1)(cc), 458.309(3) FS. History--New 5-15-00, Amended 9-18-01, 8-5-03, 9-1-03, 2-9-05, 8-22-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Surgical Care Committee, Board of Medicine

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

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

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.015
RULE TITLE: Qualifications of Physicians Who Evaluate and Treat Sex Offenders

PURPOSE AND EFFECT: The Board proposes the repeal of this rule pursuant to the recent amendment to Section 947.005(9), F.S.

SUMMARY: The rule is being repealed in light of the recent statutory amendment.

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: 458.309, 947.005(9) FS.
 LAW IMPLEMENTED: 947.005 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.015 Qualifications of Physicians Who Evaluate and Treat Sex Offenders.

Specific Authority 458.309, 947.005(9) FS. Law Implemented 947.005 FS. History—New 2-11-07, Repealed.

NAME OF PERSON ORIGINATING PROPOSED RULE: Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-30.005	Physician Assistant Licensure Renewal and Reactivation
64B8-30.019	Fees Regarding Physician Assistants

PURPOSE AND EFFECT: The proposed rule amendments are intended to address statutory changes regarding CME; the criteria for reactivation of retired status license; and the fee for reactivation of a retired status license with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify criteria for appropriate CME, and the criteria for reactivation of retired status license. In addition the amendment to Rule 64B8-30.019, F.A.C., sets forth the fee for reactivation of a retired status license.

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: 456.013, 456.031(1)(a), 456.033(1) 456.036, 458.309, 458.347 FS.

LAW IMPLEMENTED: 456.013, 456.031(1), 456.033, 456.036, 458.347 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-30.005 Physician Assistant Licensure Renewal and Reactivation.

- (1) No change.
- (2) Requirements for Renewal.
- (a) through (b) No change.
- (c) Submission of a ~~notarized~~ written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If requested by the Council, the Physician Assistant must submit a ~~notarized~~ copy of a current certificate license issued by the National Commission on Certification Licensure of Physician Assistants or must be able to produce evidence ~~of that~~ the 100 ~~CME~~ hours of reported CME have been approved by the American Academy of Physician Assistants and logged with either the American Academy of Physician Assistants or the National Commission of Licensure of Physician Assistants for the relevant biennium.

- (d) through (f) No change.
- (3) through (8) No change.

(9) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of medicine within the past five (5) years shall be required to appear before the Council and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician assistant must:

- (a) Surrender to the Department the original retired status license;
- (b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;

(c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;

(d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council;

(e) Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;

(f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B8-30.005(2)(c)-(f), F.A.C., for each biennium in which the license was inactive; and

(g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B8-30.019(6) and (10), F.A.C.

(h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA.

(10) The Department shall refuse to reactivate the license of a retired status physician assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.031(1)(a), 456.033(1), 458.309, 458.347 FS. Law Implemented 456.013, 456.031(1), 456.033, 456.036, 458.347 FS. History—New 5-13-87, Amended 1-9-92, Formerly 21M-17.0035, Amended 9-21-93, Formerly 61F6-17.0035, Amended 11-30-94, Formerly 59R-30.005, Amended 6-7-98, 3-3-02, 10-12-03, 7-27-04, 10-19-04, 2-25-07, _____.

64B8-30.019 Fees Regarding Physician Assistants.

The following fees are prescribed by the Council and adopted by the Boards:

- (1) through (5) No change.
- (6) The reactivation fee for an inactive or retired status physician assistant license licensure pursuant to Section 458.347(7) or 459.022(7), F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.
- (7) The duplicate license licensure fee shall be \$ 25.00.
- (8) through (9) No change.
- (10) The fee for a retired status license shall be \$50.00 for a physician assistant.

Specific Authority 456.036, 458.309, 458.347 FS. Law Implemented 456.036(5), (7), 458.347 FS. History—New 8-11-98, Amended 7-30-03, 12-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.:	RULE TITLES:
64B8-30.0151	Standard Terms Applicable to Orders
64B8-30.0152	Probation Variables

PURPOSE AND EFFECT: The proposed new Rule 64B8-30.0151, F.A.C., is intended to address standard terms which the Board utilizes in its orders. The proposed new Rule 64B8-30.0152, F.A.C., is intended to address the variables which are utilized in the event a physician assistant is placed on probation by the Board.

SUMMARY: The proposed new Rule 64B8-30.0151, F.A.C., addresses standard terms for disciplinary orders which apply to physician assistants. The proposed new Rule 64B8-30.0152, F.A.C., sets forth the various probation variables which apply to physician assistants who are placed on probation by the Board.

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: 456.072(2), 458.309(1), 458.331(5) FS.

LAW IMPLEMENTED: 456.072(2), 458.331(5) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-30.0151 Standard Terms Applicable to Orders. Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.
2. The provisions regarding direct supervision and required reports from the supervisor shall be tolled.
3. The requirement for quality assurance review of Respondent's practice shall be tolled.
4. Any provisions regarding community service shall be tolled.
5. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the

physician assistant's regular practice setting. Community service plans must be pre-approved by the Board's Probationer's Committee.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS:

1. DIRECT SUPERVISION – is supervision by a supervising physician (supervisor), as set forth in the Order. Direct supervision requires that the supervisor and Respondent work on the same premises. The supervisor shall be board-certified in the Respondent's specialty area.

2. PROBATION COMMITTEE – or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include direct supervision of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved supervisor, as specified by the Final Order.

2. The supervisor must be licensed under Chapter 458, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a monitor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is not actively engaged in the same or similar specialty area;

d. The proposed supervisor is not practicing on the same premises as the Respondent;

e. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to

the Compliance address as set forth in subsection (3) above. Should Respondent's supervising physician be temporarily approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice medicine until a supervising physician is approved. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(d) FORMAL APPROVAL. If Respondent is placed under the direct supervision of a physician, Respondent shall have the supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the monitor/supervisor by the Committee, the Respondent shall provide the supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her supervisor as directed. Failure of the supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN SUPERVISOR. In the event that Respondent's supervisor is unable or unwilling to fulfill his/her responsibilities as a supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary supervisor for consideration. Respondent shall not practice pending approval of this temporary supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the supervisor by the Committee. Respondent shall only practice under the supervision of the temporary supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why physician assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with supervising physician.

6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) SUPERVISOR REPORTS. If directed by Board Order, supervisor reports, in affidavit form shall include the following:

1. Brief statement of why physician assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with supervising physician.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(9) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 458.309(1), 458.331(5) FS. Law Implemented 458.331(5) FS. History—New _____.

64B8-30.0152 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing medicine. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2) DIRECT SUPERVISION REQUIRED. If direct supervision is required by the Board, Respondent shall not practice except under the direct supervision of a board-certified physician fully licensed under Chapter 458, F.S., who has been approved by the Probationer's Committee.

(a) The supervising physician shall work on the same premises as the Respondent.

(b) Absent provision for and compliance with the terms regarding temporary approval of a supervising physician set forth in paragraph 64B8-30.0151(6)(c), F.A.C., Respondent shall cease practice and not practice until the Probationer's Committee approves a supervising physician.

(c) Respondent shall have the supervising physician appear at the first probation appearance before the Probationer's Committee.

1. Prior to approval of the supervising physician by the committee, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and the Board's Order filed in the case.

2. A failure of the Respondent or the supervising physician to appear at the scheduled probation meeting shall constitute a violation of the Board's Order.

3. Prior to the approval of the supervising physician by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed supervising physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(d) The responsibilities of a supervising physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician assistant is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with supervising physician.

e. Detail any problems which may have arisen with probationer.

2. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the supervising physician. The patient records shall be selected by the supervising physician on a random basis at least once every month.

3. Report to the Board any violation by the probationer of Chapters 456 and 458, F.S., and the rules promulgated pursuant thereto.

(3) ALTERNATE SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate supervising board-certified physician who shall be approved by Probationer's Committee. Such physician shall be licensed pursuant to Chapter 458, F.S., and shall have the same duties and responsibilities as specified for Respondent's supervising physician during those periods of time which Respondent's supervising physician is temporarily unable to provide supervision. Prior to practicing under the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising physician or the approved alternate.

(4) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Probationer's Committee for approval prior to the completion of said courses. The Board confers authority on the Chairperson of the Probationer's Committee to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(5) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 458, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 458, F.S.

(6) PRESCRIBING PROHIBITION OR RESTRICTION. If Respondent is licensed as a prescribing physician assistant and should the Board determine that it is appropriate to require a restriction of Respondent's prescribing privileges, the Board shall set forth the length of said restriction and determine which substances shall be affected.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NOS.: RULE TITLES:
64B8-31.0101 Standard Terms Applicable to Orders
64B8-31.0102 Probation Variables

PURPOSE AND EFFECT: The proposed new Rules 64B8-31.0101 and 64B8-31.0102, F.A.C., are intended to set forth standard terms which are applicable to Board orders and to set forth the various probation terms imposed by Orders of the Board in disciplinary proceedings with regard to anesthesia assistants.

SUMMARY: The proposed Rule 64B8-31.0101, F.A.C., sets forth standard terms which the Board applies to disciplinary orders. The proposed Rule 64B8-31.0102, F.A.C., sets forth various probationary terms typically imposed by Board order.

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: 456.072(2), 458.309(1), 458.331(5), 458.3475 FS.

LAW IMPLEMENTED: 456.072(2) 458.3475, 458.331(5) 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: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULES IS:

64B8-31.0101 Standard Terms Applicable to Orders. Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice as an anesthesiologist assistant in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in practice as an anesthesiologist assistant in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent

returns to the active practice in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.

2. The provisions regarding supervision by the probation supervisor, and required reports from the probation supervisor shall be tolled.

3. Any provisions regarding community service shall be tolled.

4. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice as an anesthesiologist assistant for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice with reasonable skill and safety to patients prior to resuming practice in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the anesthesiologist assistant's regular practice setting. Community service plans must be pre-approved by the Board's Probationer's Committee.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board's Probationer's Committee and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS:

1. PROBATION SUPERVISOR – is a board-certified anesthesiologist who has agreed to monitor the anesthesiologist assistant for purposes of the Board-imposed probation.

2. PROBATION COMMITTEE – or "Committee" are members of the Board of Medicine designated by the Chair of the Board to serve as the Probation Committee.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include probation, the Respondent shall not practice without an approved probation supervisor, as specified by the Final Order.

2. The probation supervisor must be a board-certified anesthesiologist licensed under Chapter 458, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a supervisor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Probation Committee to temporarily approve Respondent's probation supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Probation Committee by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's probation supervisor be temporarily approved, said approval shall only remain in effect until the next meeting of the Probationer's Committee. Absent said approval, Respondent shall not practice until a probation supervisor is approved. Temporary approval shall only remain in effect until the next meeting of the Probation Committee.

(d) FORMAL APPROVAL. Respondent shall have the probation supervisor with him/her at the first probation appearance before the Probation Committee. Prior to consideration of the probation supervisor by the Committee, the Respondent shall provide the probation supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed probation supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's probation supervisor shall also appear before the Probation Committee at such times as directed by the Committee. It shall be the Respondent's responsibility to ensure the appearance of his/her probation supervisor as directed. Failure of the probation supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN PROBATION SUPERVISOR. In the event that Respondent's probation supervisor is unable or unwilling to fulfill his/her responsibilities as a probation

supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary probation supervisor for consideration. Respondent shall not practice pending approval of this temporary probation supervisor by the Chair of the Probation Committee. Furthermore, Respondent shall make arrangements with his/her temporary probation supervisor to appear before the Probation Committee at its next regularly scheduled meeting for consideration of the probation supervisor by the Committee. Respondent shall only practice under the supervision of the temporary probation supervisor (approved by the Chair) until the next regularly scheduled meeting of the Probation Committee whereat the issue of the Committee's approval of the Respondent's new probation supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with probation supervisor.
6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) PROBATION SUPERVISOR REPORTS. If directed by Board Order, probation supervisor reports, in affidavit form shall include the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with probation supervisor.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or

urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 458.331(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(10) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 458.309(1), 458.331(5) FS. Law Implemented 458.3475, 458.331(5) FS. History—New _____.

64B8-31.0102 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing as anesthesiologist assistants. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Probationer's Committee at the first meeting after said probation commences, at the last meeting of the Probationer's Committee preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall also be responsible for ensuring that the proposed probation supervisor is present at the first meeting before the Probationer's Committee following commencement of probation. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probationer's Committee whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2)(a) The responsibilities of a probation supervisor shall include:

(b) Submit quarterly reports, in affidavit form, which shall include:

1. Brief statement of why the anesthesiologist assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with probation supervisor.
5. Detail any problems which may have arisen with probationer.

(3) Prior to the approval of the probation supervisor by the committee, Respondent shall submit to the committee a current curriculum vitae and description of the current practice of the proposed probation supervisor. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(4) ALTERNATE MONITOR/SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate probation supervisor who shall be approved by Probationer's Committee. Such physician shall be a board-certified anesthesiologist licensed pursuant to Chapter 458, F.S., and shall have the same duties and responsibilities as specified for Respondent's probation supervisor during those periods of time which Respondent's probation supervisor is temporarily unable to provide supervision. Respondent shall not practice unless Respondent is under the supervision of either the approved probation supervisor or the approved alternate.

(5) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Probationer's Committee for approval prior to the completion of said courses. The Board confers authority on the Chairperson of the Probationer's Committee to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(6) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 458, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 458, F.S.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Anesthesiologist Assistant Committee
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 11, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-16.003
RULE TITLE: Apprenticeship Requirements and Training Program

PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify that the Apprentice/Sponsor Orientation course that the apprentice is required to complete and which may count towards the sponsor's continuing education is Board-approved.

SUMMARY: The rule amendment will clarify that the Apprentice/Sponsor Orientation course that the apprentice is required to complete and which may count towards the sponsor's continuing education is Board-approved.

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: 484.005 FS.

LAW IMPLEMENTED: 484.002, 484.007(1)(d)4. 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: Sue Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-16.003 Apprenticeship Requirements and Training Program.

(1) through (3) No change.

(4) An apprenticeship shall consist of 6,240 hours of training, completed within five years after the apprentice's first registration with the Department. However, time spent in training at a board-approved school of opticianry may be substituted for required apprenticeship time. Each credit hour earned at such school shall count as 86.67 apprenticeship hours.

(a) An apprentice is required to obtain two of the required hours by completing a ~~an~~ Board-approved Apprentice/Sponsor Orientation Course and submitting the original certificate of attendance to the board office within one year of registration with the Department.

(b) Each sponsor may attend a ~~an~~ Board-approved Apprentice/Sponsor Orientation course. This course will count toward the laws and rules continuing education requirement pursuant to Rule 64B12-15.003, F.A.C.

(c) No change.

(5) through (6)(i) No change.

Specific Authority 484.005 FS. Law Implemented 484.002, 484.007(1)(d)4. FS. History--New 10-12-80, Amended 8-31-83, 8-30-84, Formerly 21P-16.03, Amended 3-5-87, 7-15-87, 1-26-88, 3-30-89, 10-17-90, 5-27-92, 9-30-92, 1-27-93, Formerly 21P-16.003, Amended 9-14-93, 5-2-94, Formerly 61G13-16.003, Amended 2-21-96, 4-23-97, Formerly 59U-16.003, Amended 10-1-97, 2-16-99, 6-25-02, 4-11-06, 9-27-06, 4-19-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Opticianry

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 6, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: July 13, 2007

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.:	RULE TITLES:
64B15-6.0035	Physician Assistant Licensure Renewal and Reactivation
64B15-6.013	Physician Assistant Fees

PURPOSE AND EFFECT: The proposed rule amendments are intended to address statutory changes regarding CME; the criteria for reactivation of retired status license; and the fee for reactivation of a retired status license with regard to physician assistants.

SUMMARY: The proposed rule amendments clarify criteria for appropriate CME, and the criteria for reactivation of retired status license. In addition the amendment to Rule 64B15-6.013, F.A.C., sets forth the fee for reactivation of a retired status license.

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: 456.013, 456.033(1), 456.036, 459.005, 459.022 FS.

LAW IMPLEMENTED: 456.013, 456.031, 456.033, 456.036, 459.022 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0035 Physician Assistant Licensure Renewal and Reactivation.

(1) No change.

(2) Requirements for Renewal.

(a) through (b) No change.

(c) Submission of a written statement attesting to completion of 100 hours of Continuing Medical Education in the previous two (2) years. A minimum of 50 hours must be Category I Continuing Medical Education approved by the American Academy of Physician Assistants, the Accreditation Council for Continuing Medical Education, the American Medical Association, the American Osteopathic Association Council on Continuing Medical Education, or the American Academy of Family Physicians. The remaining 50 hours may be Category II Continuing Medical Education. If requested by the Council, the Physician Assistant must submit a ~~notarized~~ copy of a current certificate issued by the National Commission on Certification of Physician Assistants or must be able to produce evidence ~~of that~~ the 100 CME hours ~~of reported CME have been approved by the American Academy of Physician Assistants and logged with either the American~~

~~Academy of Physician Assistants or the National Commission of Certification of Physician Assistants~~ for the relevant biennium.

- (d) through (f) No change.
- (3) through (8) No change.

(9) Reactivation of a retired status license. To reactivate the license of a retired status licensee whose license has been on retired status for more than five (5) years or a licensee from another state who has not been in the active practice of osteopathic medicine within the past five (5) years shall be required to appear before the Council and establish the ability to practice with the care and skill sufficient to protect the health, safety, and welfare of the public. At the time of such appearance, the physician assistant must:

- (a) Surrender to the Department the original retired status license;
- (b) Provide the Department with licensure verification from each state in which the licensee is licensed to practice as a physician assistant, or a statement that the licensee is licensed only in Florida;
- (c) Provide to the Department a statement of medical activities from the date the licensee entered retired status to the present;
- (d) Provide documentation of successful completion of the 16 credit hour Graduate Clerkship offered by Nova Southeastern University (Physician Assistant Department) or an equivalent program approved by the Council;
- (e) Practice under the direct supervision of a supervising physician approved by the Council for one (1) year;
- (f) Submit proof of completion of the continuing medical education requirements in compliance with paragraphs 64B15-6.0035(2)(c)-(f), F.A.C., for each biennium in which the license was inactive; and
- (g) Pay the appropriate fees set forth in Section 456.036(4)(b), F.S. and subsections 64B15-6.013(6) and (10), F.A.C.
- (h) In lieu of proof of completion of the Graduate Clerkship or the equivalent, the licensee may submit proof of recertification by NCCPA.

(10) The Department shall refuse to reactivate the license of a retired status physician assistant who is under investigation or prosecution in any jurisdiction for an action that would constitute a violation of this chapter or the professional practice acts administered by the department and the boards, until 15 days after the Department receives the final results of the investigation or prosecution.

Specific Authority 456.013, 456.033(1), 459.005, 459.022 FS. Law Implemented 456.013, 456.031, 459.022(7)(b), (c) FS. History—New 10-28-87, Amended 4-21-88, 1-3-93, Formerly 21R-6.0035, Amended 11-4-93, 3-29-94, Formerly 61F9-6.0035, 59W-6.0035, Amended 6-7-98, 10-16-01, 3-10-02, 7-13-04, 7-27-04, 2-25-07, _____.

64B15-6.013 Physician Assistant Fees.

The following fees are prescribed by the Council and adopted by the Boards:

- (1) through (5) No change.

(6) The reactivation fee for an inactive or retired status physician assistant license certification pursuant to Section 458.347(7) or 459.022(7), F.S., shall be \$100. Reactivation shall require payment of all the applicable renewal fees and the reactivation fee.

- (7) The duplicate license certification fee shall be \$25.00.
- (8) through (9) No change.

(10) The fee for a retired status license shall be \$50.00 for a physician assistant.

Specific Authority 456.036(5), (7), 459.005, 459.009, 459.022(7) FS. Law Implemented 456.036(5), (7), 459.009, 459.022(7) FS. History—New 11-4-93, Amended 2-20-94, Formerly 61F9-6.013, 59W-6.013, Amended 8-11-98, 2-23-04, 7-27-04, 12-6-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 30, 2007

**DEPARTMENT OF HEALTH
Board of Osteopathic Medicine**

RULE NOS.:	RULE TITLES:
64B15-6.0112	Standard Terms Applicable to Orders
64B15-6.0113	Probation Variables

PURPOSE AND EFFECT: The proposed new Rule 64B15-6.0112, F.A.C., is intended to address standard terms which the Board utilizes in its orders. The proposed new Rule 64B15-6.0113, F.A.C., is intended to address the variables which are utilized in the event a physician assistant is placed on probation by the Board.

SUMMARY: The proposed new Rule 64B15-6.0112, F.A.C., addresses standard terms for disciplinary orders which apply to physician assistants. The proposed new Rule 64B15-6.0113, F.A.C., sets forth the various probation variables which apply to physician assistants who are placed on probation by the Board.

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: 456.072(2), 459.005(1), 459.015(5) FS.

LAW IMPLEMENTED: 456.072(2), 459.015(5) 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-6.0112 Standard Terms Applicable to Orders.

Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice of medicine in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in the active practice of medicine in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice of medicine in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.

2. The provisions regarding direct supervision and required reports from the supervisor shall be tolled.

3. The requirement for quality assurance review of Respondent's practice shall be tolled.

4. Any provisions regarding community service shall be tolled.

5. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice medicine with reasonable skill and safety to patients prior to resuming the practice of medicine in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the physician assistant's regular practice setting. Community service plans must be pre-approved by the Board.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS: DIRECT SUPERVISION – is supervision by a supervising physician (supervisor), as set forth in the Order. Direct supervision requires that the supervisor and Respondent work on the same premises. The supervisor shall be board-certified in the Respondent's specialty area.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order direct supervision of the licensee's practice (supervision), the Respondent shall not practice medicine without an approved supervisor, as specified by the Final Order.

2. The supervisor must be licensed under Chapter 459, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a monitor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is not actively engaged in the same or similar specialty area;

d. The proposed supervisor is not practicing on the same premises as the Respondent;

e. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Board to temporarily approve Respondent's supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair of the Board by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's supervising physician be temporarily approved, said approval shall only remain in effect until the next meeting of the Board. Absent said approval, Respondent shall not practice medicine until a supervising physician is approved. Temporary approval shall only remain in effect until the next meeting of the Board.

(d) FORMAL APPROVAL. If Respondent is placed under the direct supervision of a physician, Respondent shall have the supervisor with him/her at the first probation appearance before the Board. Prior to consideration of the monitor/supervisor by the Board, the Respondent shall provide the supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's supervisor shall also appear before the Board at such times as directed by the Board. It shall be the Respondent's responsibility to ensure the appearance of his/her supervisor as directed. Failure of the supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN SUPERVISOR. In the event that Respondent's supervisor is unable or unwilling to fulfill his/her responsibilities as a supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary supervisor for consideration. Respondent shall not practice pending approval of this temporary supervisor by the Chair of the Board. Furthermore, Respondent shall make arrangements with his/her temporary supervisor to appear before the Board at its next regularly scheduled meeting for consideration of the supervisor by the Board. Respondent shall only practice under the supervision of the temporary supervisor (approved by the Chair) until the next regularly scheduled

meeting of the Board whereat the issue of the Board Chair's approval of the Respondent's new supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why physician assistant is on probation.

2. Practice location.

3. Describe current practice (type and composition).

4. Brief statement of compliance with probationary terms.

5. Describe relationship with supervising physician.

6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) SUPERVISOR REPORTS. If directed by Board Order, supervisor reports, in affidavit form shall include the following:

1. Brief statement of why physician assistant is on probation.

2. Description of probationer's practice.

3. Brief statement of probationer's compliance with terms of probation.

4. Brief description of probationer's relationship with supervising physician.

5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 459.015(2), F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of

suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(9) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 459.005(1), 459.015(5) FS. Law Implemented 459.015(5) FS. History--New _____.

64B15-6.0113 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing medicine. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be notified by Board staff of the date, time and place of the Board meeting whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2) DIRECT SUPERVISION REQUIRED. If direct supervision is required by the Board, Respondent shall not practice except under the direct supervision of a board-certified physician fully licensed under Chapter 459, F.S., who has been approved by the Board.

(a) The supervising physician shall work on the same premises as the Respondent.

(b) Absent provision for and compliance with the terms regarding temporary approval of a supervising physician set forth in paragraph 64B15-6.0112(6)(c), F.A.C. Respondent shall cease practice and not practice until the Board approves a supervising physician.

(c) Respondent shall have the supervising physician appear at the first probation appearance before the Board.

1. Prior to approval of the supervising physician by the Board, the Respondent shall provide to the supervising physician a copy of the Administrative Complaint and the Board's Order filed in the case.

2. A failure of the Respondent or the supervising physician to appear at the scheduled meeting shall constitute a violation of the Board's Order.

3. Prior to the approval of the supervising physician by the Board, Respondent shall submit to the Board a current curriculum vitae and description of the current practice of the proposed supervising physician. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(d) The responsibilities of a supervising physician shall include:

1. Submit quarterly reports, in affidavit form, which shall include:

a. Brief statement of why physician assistant is on probation.

b. Description of probationer's practice.

c. Brief statement of probationer's compliance with terms of probation.

d. Brief description of probationer's relationship with supervising physician.

e. Detail any problems which may have arisen with probationer.

2. Should the Board determine that Respondent's medical records need to be reviewed, the Board shall set forth the percentage of the records and type of records to be reviewed by the supervising physician. The patient records shall be selected by the supervising physician on a random basis at least once every month.

3. Report to the Board any violation by the probationer of Chapters 456 and 459, F.S., and the rules promulgated pursuant thereto.

(3) ALTERNATE SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate supervising board-certified osteopathic physician who shall be approved by Board. Such physician shall be licensed pursuant to Chapter 459, F.S., and shall have the same duties and responsibilities as specified for Respondent's supervising physician during those periods of time which Respondent's supervising physician is temporarily unable to provide supervision. Prior to practicing under the direct supervision of the alternate supervising physician, Respondent shall so advise the Board in writing. Respondent shall further advise the Board in writing of the period of time during which Respondent shall practice under the supervision of the alternate supervising physician. Respondent shall not practice unless Respondent is under the supervision of either the approved supervising physician or the approved alternate.

(4) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chairperson of the Board for approval prior to the completion of said courses. The Board confers authority on the

Chairperson of the Board to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(5) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Osteopathic Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 459, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 459, F.S.

(6) PRESCRIBING PROHIBITION OR RESTRICTION. If Respondent is licensed as a prescribing physician assistant and should the Board determine that it is appropriate to require a restriction of Respondent's prescribing privileges, the Board shall set forth the length of said restriction and determine which substances shall be affected.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Council on Physician Assistants

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

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NOS.: 64B15-7.0101
64B15-7.0102

RULE TITLES: Standard Terms Applicable to Orders
Probation Variables

PURPOSE AND EFFECT: The proposed new Rules 64B15-7.0101 and 64B15-7.0102, F.A.C., are intended to set forth standard terms which are applicable to Board orders and to set forth the various probation terms imposed by Orders of the Board in disciplinary proceedings with regard to anesthesia assistants.

SUMMARY: The proposed Rule 64B15-7.0101, F.A.C., sets forth standard terms which the Board applies to disciplinary orders. The proposed Rule 64B15-7.0102, F.A.C., sets forth various probationary terms typically imposed by Board order.

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: 456.072(2), 459.005, 459.023 FS.

LAW IMPLEMENTED: 456.072(2), 459.015, 459.023 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: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B15-7.0101 Standard Terms Applicable to Orders. Unless otherwise approved by the Board or its designee, or addressed by the Final Order, the following are the terms applicable to all Final Orders rendered by the Board in disciplinary proceedings.

(1) PAYMENT OF FINES AND COSTS. All fines and costs shall be paid by check or money order made payable to the Board and sent to DOH/Client Services, P. O. Box 6320, Tallahassee, Florida 32314-6320, within 30 days of the filing of the Order.

(2) ADDRESSES. Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Compliance Office, in writing, within 10 days of any changes of those addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Compliance Office within 10 days in the event that Respondent leaves the active practice as an anesthesiologist assistant in Florida.

(3) COMPLIANCE ADDRESS. All reports, correspondence and inquiries shall be sent to: DOH, Client Services Unit, 4052 Bald Cypress Way, Bin #C01, Tallahassee, Florida 32399-3251, Attn: Medical Compliance Officer.

(4) CONTINUITY OF PRACTICE.

(a) TOLLING PROVISIONS. In the event the Respondent leaves the State of Florida for a period of 30 days or more or otherwise does not or may not engage in practice as an anesthesiologist assistant in the State of Florida, then certain provisions of the requirements in the Board's Order shall be tolled and shall remain in a tolled status until Respondent returns to the active practice in the State of Florida. Respondent shall notify the Compliance Officer 10 days prior to his/her return to practice in the State of Florida. The following requirements shall be tolled until the Respondent returns to active practice:

1. The time period of probation shall be tolled.
2. The provisions regarding supervision by the probation supervisor, and required reports from the probation supervisor shall be tolled.
3. Any provisions regarding community service shall be tolled.
4. Any requirements regarding lectures.

(b) ACTIVE PRACTICE. In the event that Respondent leaves the active practice as an anesthesiologist assistant for a period of one year or more, the Respondent may be required to appear before the Board and demonstrate the ability to practice with reasonable skill and safety to patients prior to resuming practice in the State of Florida.

(5) COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS. All community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to DOH/Client Services, at the address set forth in subsection (3) above.

(a) DEFINITION OF COMMUNITY SERVICE. "Community service" shall be defined as the delivery of volunteer services to an entity which is exempt from federal taxation under 26 U.S.C. s. 501(c)(3), without fee or cost to the patient or the entity, for the good of the people of the State of Florida. Community service shall be performed outside the anesthesiologist assistant's regular practice setting. Community service plans must be pre-approved by the Board.

(b) CONTINUING EDUCATION. Continuing education imposed by Board Order shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses must be pre-approved by the Board and shall consist of a formal live lecture format.

(6) PROBATION TERMS. If probation was imposed by Board Order, the following provisions are applicable:

(a) DEFINITIONS: PROBATION SUPERVISOR – is a board-certified anesthesiologist who has agreed to monitor the anesthesiologist assistant for purposes of the Board-imposed probation.

(b) REQUIRED SUPERVISION:

1. If the terms of the Order include probation, the Respondent shall not practice without an approved probation supervisor, as specified by the Final Order.

2. The probation supervisor must be a board-certified anesthesiologist licensed under Chapter 459, F.S., in good standing, in active status, without restriction or limitation on his/her license, must be qualified by training and experience, and must not have any conflicts of interest that would prohibit him or her from impartially performing his or her duties as a supervisor. Specific grounds for rejecting a proposed supervisor by the Board or its designee shall include but are not limited to the following:

a. The proposed supervisor has previously been subject to disciplinary action against his/her medical license in this or any other jurisdiction;

b. The proposed supervisor is currently under investigation, or is the subject of a pending disciplinary action;

c. The proposed supervisor is a relative or employee of the Respondent.

(c) TEMPORARY APPROVAL. The Board confers authority on the Chair of the Board to temporarily approve Respondent's probation supervisor. To obtain this temporary approval, Respondent shall submit to the Compliance Officer the name and curriculum vitae of the proposed supervisor. This information shall be furnished to the Chair by way of the Compliance Officer. This information may be faxed to the Compliance Officer at (850)414-0864, or may be sent by overnight mail to the Compliance address as set forth in subsection (3) above. Should Respondent's probation supervisor be temporarily approved, said approval shall only remain in effect until the next meeting of the Board. Absent said approval, Respondent shall not practice until a probation supervisor is approved. Temporary approval shall only remain in effect until the next meeting of the Board.

(d) FORMAL APPROVAL. Respondent shall have the probation supervisor with him/her at the first probation appearance before the Board. Prior to consideration of the probation supervisor by the Board, the Respondent shall provide the probation supervisor a copy of the Administrative Complaint and the Board's Order in this case. Respondent shall submit a current curriculum vitae, a description of current practice, and a letter agreeing to serve from the proposed probation supervisor to the Compliance Officer no later than 21 days before the Respondent's first scheduled probation appearance. Respondent's probation supervisor shall also appear before the Board at such times as directed by the Board. It shall be the Respondent's responsibility to ensure the appearance of his/her probation supervisor as directed. Failure of the probation supervisor to appear as directed shall constitute a violation of the terms of the Board's Order and shall render the Respondent subject to additional disciplinary action.

(e) CHANGE IN PROBATION SUPERVISOR. In the event that Respondent's probation supervisor is unable or unwilling to fulfill his/her responsibilities as a probation supervisor as described above, the Respondent shall advise the Compliance Office of this fact within 24 hours of becoming aware of the situation. Respondent shall submit to the Compliance Office the name of a temporary probation supervisor for consideration. Respondent shall not practice pending approval of this temporary probation supervisor by the Chair. Furthermore, Respondent shall make arrangements with his/her temporary probation supervisor to appear before the Board at its next regularly scheduled meeting for consideration of the probation supervisor by the Board. Respondent shall only practice under the supervision of the temporary probation supervisor (approved by the Chair) until the next regularly scheduled meeting of the Board whereat the issue of approval of the Respondent's new probation supervisor shall be addressed.

(f) REPORTS. If directed by Board Order, probation reports, in affidavit form, shall be submitted by the Respondent and shall contain the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Practice location.
3. Describe current practice (type and composition).
4. Brief statement of compliance with probationary terms.
5. Describe relationship with probation supervisor.
6. Advise Compliance Officer of any problems including office incident reports filed; loss or restriction of hospital staff privileges; or any Medicare/Medicaid program exclusions, restrictions or limitations.

(g) PROBATION SUPERVISOR REPORTS. If directed by Board Order, probation supervisor reports, in affidavit form shall include the following:

1. Brief statement of why anesthesiologist assistant is on probation.
2. Description of probationer's practice.
3. Brief statement of probationer's compliance with terms of probation.
4. Brief description of probationer's relationship with probation supervisor.
5. Detail any problems which may have arisen with probationer.

(h) INVESTIGATIVE REPORTS. Respondent understands that during the period of probation, at a minimum, semi-annual investigative reports will be compiled with the Department of Health concerning compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

(7) COSTS OF COMPLIANCE. Respondent shall pay all costs necessary to comply with the terms of the Board's Order. Such costs include, but are not limited to, the costs of

preparation of the investigative reports detailing compliance with the terms of the Order, the cost of analysis of any blood or urine specimens submitted pursuant to the Order, and administrative costs directly associated with Respondent's probation. See Section 459.015, F.S.

(8) SUSPENSION. In the event that a Respondent's license expires during the period that the license is suspended, this action shall not relieve the Respondent of the responsibility to renew the license at the end of each licensure period. If the Respondent fails to renew the license at the end of any licensure period, all normal conditions and consequences imposed by statute or rule of the Board for failure to timely and properly renew a license shall apply. Renewal of a suspended license during the period of suspension shall not affect the suspension of the license and the suspension shall continue until all requirements for reinstatement have been met.

(10) RETURN OF LICENSE. Any Order which suspends a license, revokes a license, or accepts a Respondent's offer to voluntarily relinquish his/her license shall require the Respondent to return the license to the Department within 30 days from the date the Final Order is filed. This shall not apply to instances where the Board or a court has granted the Respondent a stay of the suspension.

Specific Authority 459.005 FS. Law Implemented 459.015, 459.023 FS. History—New _____.

64B15-7.0102 Probation Variables.

In instances where a Respondent is placed on probation by the Board, the Board shall determine the terms and conditions of Respondent's probation. The following terms of probation are utilized by the Board to ensure that Respondents are safely practicing as anesthesiologist assistants. Possible terms of probation and restrictions on practice include, but are not limited to:

(1) APPEARANCES REQUIRED. Respondent shall appear before the Board at the first meeting after said probation commences, at the last meeting of the Board preceding termination of probation and either quarterly, semiannually, or annually as set forth in the final order. Respondent shall be noticed by Board staff of the date, time and place whereat Respondent's appearance is required. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of probation, and shall subject the Respondent to disciplinary action.

(2)(a) The responsibilities of a probation supervisor shall include:

(b) Submit quarterly reports, in affidavit form, which shall include:

1. Brief statement of why the anesthesiologist assistant is on probation.
2. Description of probationer's practice.

3. Brief statement of probationer's compliance with terms of probation.

4. Brief description of probationer's relationship with probation supervisor.

5. Detail any problems which may have arisen with probationer.

(3) Prior to the approval of the probation supervisor by the Board, Respondent shall submit to the Board a current curriculum vitae and description of the current practice of the proposed probation supervisor. Said materials shall be received in the Board office no later than 21 days before the Respondent's first scheduled probation appearance.

(4) ALTERNATE MONITOR/SUPERVISOR. In view of the need for ongoing and continuous supervision, Respondent shall also be required to submit the curriculum vitae and name of an alternate probation supervisor who shall be approved by the Board. Such physician shall be a board-certified anesthesiologist licensed pursuant to Chapter 459, F.S., and shall have the same duties and responsibilities as specified for Respondent's probation supervisor during those periods of time which Respondent's probation supervisor is temporarily unable to provide supervision. Respondent shall not practice unless Respondent is under the supervision of either the approved probation supervisor or the approved alternate.

(5) CONTINUING MEDICAL EDUCATION. Should the Board determine that continuing medical education (CME) is appropriate during the probationary period, the Board shall determine the number of hours and subject area of the required CME. The CME shall be Category I Continuing Medical Education. Respondent shall submit a written plan to the Chair for approval prior to the completion of said courses. The Board confers authority on the Chair to approve or disapprove said continuing education courses. In addition, Respondent shall submit documentation of completion of these continuing medical education courses in each report. These hours shall be in addition to those hours required for biennial renewal of licensure. Said continuing education courses shall consist of a formal live lecture format.

(6) PRN REQUIRED. Should the Board determine that a contract by the Professionals Resource Network (PRN) is appropriate, Respondent shall participate and comply with the PRN contract.

(a) Respondent shall enter into an after care contract with PRN, shall comply with all its terms, and shall be responsible for assuring that the medical director of PRN send the Board a copy of said contract.

(b) Respondent shall execute a release that authorizes PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board of Osteopathic Medicine as needed to monitor the progress of Respondent in the PRN program.

(c) Respondent shall authorize the director of PRN to report to the Board of Osteopathic Medicine any problems that may occur with Respondent and any violations of Chapter 456 or 459, F.S. Such a report shall be made within 30 days of the occurrence of any problems, or violations of Chapter 456 or 459, F.S.

(7) RESTRICTION ON TREATING PATIENTS OF THE OPPOSITE GENDER. Should the Board determine there should be a restriction on treating patients of the opposite gender, Respondent shall not examine or treat any patients of the opposite gender without an employee who is of the same patient gender and who is a health care practitioner licensed by the Department of Health present in the room.

Specific Authority 456.072(2) FS. Law Implemented 456.072(2) FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Anesthesiologist Assistant Committee
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

DEPARTMENT OF HEALTH

Board of Osteopathic Medicine

RULE NO.: 64B15-14.006
 RULE TITLE: Standards of Practice for Surgery
 PURPOSE AND EFFECT: The purpose and effect of this rule development is to update the existing language in this rule.
 SUMMARY: The existing language of the rule is updated.
 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: 459.005, 459.015(1)(z) FS.

LAW IMPLEMENTED: 459.015(1)(x), (z), (aa) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Board of Osteopathic Medicine/MQA, 4052 Bald Cypress Way, Bin #C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B15-14.006 Standards of Practice for Surgery.

The Board of Osteopathic Medicine interprets the standard of care requirement of Section 459.015(1)(x), F.S., and the delegation of duties restrictions of Section 459.015(1)(aa), F.S., with regard to surgery as follows:

(1) The ultimate responsibility for diagnosing and treating medical and surgical problems is that of the licensed allopathic or osteopathic physician who is to perform the surgery. In addition, it is the responsibility of the treating physician operating surgeon or an equivalently trained allopathic or osteopathic physician practicing within a Board approved postgraduate training program to explain the procedure to and obtain the informed consent of the patient. It is not necessary, however, that the operating surgeon obtain or witness the signature of the patient on the written form evidencing informed consent.

(2) No change.

(a) Definition of Surgery/Procedure. As used herein, "surgery/procedure" means the incision or curettage of tissue or an organ, insertion of natural or artificial implants, electro-convulsive therapy, ~~and~~ endoscopic procedure, or other procedure requiring the administration of anesthesia or an anesthetic agent. Minor surgeries/procedures such as excision of skin lesions, moles, warts, cysts, lipomas and repair of lacerations or surgery limited to the skin and subcutaneous tissue performed under topical or local anesthesia not involving drug-induced alteration of consciousness other than minimal pre-operative tranquilization of the patient are exempt from the following requirements.

(b) Except in life-threatening emergencies requiring immediate resuscitative measures, once the patient has been prepared for the elective surgery/procedure and the ~~surgical~~ team has been gathered in the operating room and immediately prior to the initiation of any ~~surgical~~ procedure, the surgical team will pause and the ~~operating~~ physician(s) performing the procedure will verbally confirm the patient's identification, the intended procedure and the correct surgical/procedure site. The operating physician shall not make any incision or perform any surgery or procedure prior to performing this required confirmation. The notes of the procedure shall specifically reflect when this confirmation procedure was completed and which personnel on the surgical team confirmed each item. This requirement for confirmation applies to physicians performing procedures either in office settings or facilities licensed pursuant to Chapter 395, F.S., and shall be in addition to any other requirements that may be required by the office or facility.

(c) The provisions of subsection (b) shall be applicable to anesthesia providers prior to administering anesthesia or anesthetic agents, or performing regional blocks at any time both within or outside a surgery setting.

(3) through (4) No change.

~~(5) The rule shall have no application to anesthesia-related activities performed in accordance with Florida law.~~

Specific Authority 459.005, 459.015(1)(z) FS. Law Implemented 459.015(1)(x), (z), (aa) FS. History--New 10-16-01, Amended 4-5-05,

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Osteopathic Medicine
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Osteopathic Medicine
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 10, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: June 22, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1001
RULE TITLE: Examination and Application Fees
PURPOSE AND EFFECT: The Board proposes the rule amendment to remove references to the application fee for continuing education course approval.

SUMMARY: References to the application fee for continuing education course approval will be removed from 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: 465.005, 465.009 FS.

LAW IMPLEMENTED: 456.025(7), 465.007, 465.0075, 465.009 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1001 Examination and Application Fees.

(1) The non-refundable examination fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee licensure by endorsement shall be \$100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be \$150, payable to the Board.

~~(4) The non-refundable application fee for a continuing education course approval shall be \$50 for each course submitted for approval, payable to the Board.~~

Specific Authority 465.005, 465.009 FS. Law Implemented 456.025(7), 465.007, 465.0075, 465.009 FS. History--New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Board of Pharmacy

RULE NO.: 64B16-26.1004
RULE TITLE: Inactive License Election; Renewal; Fees

PURPOSE AND EFFECT: The Board proposes the rule amendment to remove references to the renewal fee as referenced in Rule 64B16-26.1003, F.A.C.

SUMMARY: References to the renewal fee as referenced in Rule 64B16-26.1003, F.A.C., will be removed from 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: 456.036, 465.005, 465.012, 465.0125, 465.0126 FS.

LAW IMPLEMENTED: 456.036, 456.065(3), 465.012, 465.0125, 465.0126 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: Rebecca R. Poston, Executive Director, Board of Pharmacy/MQA, 4052 Bald Cypress Way, Bin #C04, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B16-26.1004 Inactive License Election; Renewal; Fees.

- (1) A licensee may elect:
(a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status and submits the reactivation fee of \$70, a change of status fee of \$25 and ~~the current renewal fee set forth in Rule 64B16-26.1003, F.A.C.,~~ or the difference between the inactive status renewal fee and the active status renewal fee, if any exists.

- (2) A consultant pharmacist licensee may elect:
(a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the licensee meets the continuing education requirements of Rule 64B16-26.103, F.A.C., for each biennium the license was on inactive status, and submits the reactivation fee of \$25, a change of status fee of \$25; and the difference between the inactive status renewal fee and the active status renewal fee, if any exists ~~the active consultant pharmacist renewal fee set forth in Rule 64B16-26.1003, F.A.C.~~

- (3) A nuclear pharmacist licensee may elect:
(a) through (c) No change.

(d) At a time other than license renewal to change the inactive status license to active status, provided the nuclear pharmacist licensee meets the continuing education requirements of Rule 64B16-26.304, F.A.C., for each biennium the license was on inactive status and by submitting a reactivation fee of \$50, a change of status fee of \$25; and ~~the active nuclear license renewal fee set forth in Rule 64B16-26.1003, F.A.C.,~~ or the difference between the inactive status renewal fee and the active status renewal fee, if any exists.

Specific Authority 456.036, 465.005, 465.012, 465.0125, 465.0126 FS. Law Implemented 456.036, 456.065(3), 465.012, 465.0125, 465.0126 FS. History--New 1-11-05, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Pharmacy
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Pharmacy
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 24, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 25, 2007

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: 64F-21.001
RULE TITLE: Modified Fetal Infant Mortality Review Specification

PURPOSE AND EFFECT: The rule addresses black infant mortality.

SUMMARY: The rule is new and provides that existing fetal infant mortality review teams may be used provided the team consist of persons or members as required by Section 383.2162(5)(c), F.S. The rule also identifies the eight urban and rural counties that meet the requirements of Section 383.2162(6), F.S.

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: 383.2162(9) FS.

LAW IMPLEMENTED: 383.2162 FS.

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

DATE AND TIME: September 10, 2007, 10:00 a.m.

PLACE: Betty Easley Conference Center, 4075 Esplanade Way, Room 180, 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: the Division of Family Health Services at (850)245-4444, extension 2959. 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: Adam Reeves, Infant Maternal and Reproductive Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-21.001 Modified Fetal Infant Mortality Review Specification.

(1) Existing FIMR teams, processes, and team members may be utilized in the examination of black fetal and infant deaths. Coalitions participating in this initiative must ensure that members are represented as required by Section 383.2162(5)(c), F.S.

(2) Priority of award selection will go to counties representing Coalition areas that meet the criteria listed in Section 383.2162(6), F.S. These include the following eight counties: Broward, Dade, Duval, Gadsden, Hillsborough, Orange, Palm Beach, and Putnam. In the event that both a State and Federal Healthy Start Coalition representing a single county exist, only one application from that particular area will be accepted as a potential candidate for an award.

Specific Authority 383.2162(9) FS. Law Implemented 383.2162 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Adam Reeves

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Betsy Wood

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 21, 2007

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

Section III Notices of Changes, Corrections and Withdrawals

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

LAND AND WATER ADJUDICATORY COMMISSION Braddock Community Development District

RULE NOS.:	RULE TITLES:
42HHH-1.001	Establishment
42HHH-1.002	Boundary
42HHH-1.003	Supervisors

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 34, August 24, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-16.100	General
62-16.200	Definitions
62-16.300	Renewable Energy Technologies Grants Program
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.500	Solar Energy Systems Incentives Program
62-16.600	Renewable Energy Technologies Investment Tax Credit
62-16.900	Forms

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. 6, February 9, 2007 issue of the Florida Administrative Weekly.

RENEWABLE ENERGY TECHNOLOGIES
AND ENERGY EFFICIENCY

62-16.100 General.

This part implements the Florida Renewable Energy Technologies and Energy Efficiency Act, providing for grants for renewable energy technologies and rebates for solar energy systems. This part also implements ~~applications for sales tax incentives for renewable energy technologies provided for in Section 212.08, F.S., and~~ applications for corporate tax credits for renewable energy technologies provided for in Section 220.192, F.S.

Specific Authority ~~377.804(3), 377.806(7), 212.08, 220.192(3)~~ FS. Law Implemented ~~377.801, 377.802, 377.803, 377.804, 377.806, 212.08, 220.192~~ FS. History–New _____.

62-16.200 Definitions.

The words, terms and phrases used in this Chapter, unless otherwise indicated, shall have the meaning set forth in Sections 377.803 and 220.192(1), F.S. In addition, when used in this chapter, the following words, phrases, or terms shall have the following meanings:

- (1) “Bioenergy” means energy derived from biomass.
- (2) “Biomass” means “biomass” as defined in Section 366.91(2)(a), F.S.
- (3) “Department” means the Florida Department of Environmental Protection.
- (4) “Matching Funds or Other In-Kind Contributions” means:

(a) Actual cash outlays contributed, including, but not limited to, cash outlays for wages, rental expenses, travel expenses, unrecovered indirect costs, and purchases of material and supplies, as a direct benefit to the project; or

(b) Non-cash contributions necessary and reasonable for proper and efficient accomplishment of project objectives, the value of which must be established using the following guidelines:

1. Rates for donated or volunteer services of any person must be consistent with their regular rate of pay, or the rate of pay of those paid for similar work at a similar level of experience in the labor market, including the value of fringe benefits.

2. The value of donated expendable property such as office supplies or workshop supplies must not exceed the fair market value of the property.

3. The value of donated real property such as land must not exceed the fair market value of the property.

4. Donated space must be valued at fair rental value of comparable space and facilities in a privately-owned building in the same locale.

5. The value of loaned equipment can not exceed its fair rental value.

6. In-kind travel expense must be valued at the approved State rate as specified in Section 112.061, F.S.

(5) “Purchase date” means, for the purchase of solar energy equipment, the date of execution of a loan agreement or the date of final cash payment.

(6) “Solar thermal pool heater” means a device that traps the heat produced by incident sunlight in collector tubing through which swimming pool water is pumped in order to raise the temperature of the swimming pool water.

Specific Authority ~~377.804(3), 377.806(7), 212.08, 220.192(3)~~ FS. Law Implemented ~~377.802, 377.804, 377.806, 212.08, 220.192~~ FS. History–New _____.

62-16.300 Renewable Energy Technologies Grants Program.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The department shall issue a request for grant proposals (“RFGP”). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the department.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department’s website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Grant Program, Renewable Energy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 62-16.900(1), ~~F.A.C.~~, which is ~~herein~~ adopted and incorporated by reference at subsection 62-16.900(1), F.A.C. One copy shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters required by Form 62-16.900(1); ~~F.A.C.~~, from third parties are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. on the date specified by the department in the RFGP.

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish notice of the deadline extension on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department’s web site.

(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(e) COMPLETENESS. Any application which does not include all required information shall be determined incomplete and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(f) An applicant is not eligible for award of a grant if at the time the department determines the recipients for the grant:

1. The department has a pending civil or administrative action against the applicant that alleges that the applicant has committed violations of Chapter 373, 376, or 403, Florida Statutes or the department rules implementing these statutes; or

2. The department has a final judgment or final order finding that the applicant has committed violations of Chapter 373, 376, or 403, Florida Statutes, unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the judgment or order; or

3. The applicant has entered into a consent order with the department, unless the applicant has satisfied all requirements for corrective actions and has paid all costs, civil penalties, damages, and other financial assessments required by the consent order.

(4) CRITERIA.

(a) The criteria listed in Section 377.804(4), F.S., shall apply to grants evaluated pursuant to Sections 377.804(1) through 377.804(5), F.S.

(b) In addition to the criteria in Section 377.804(4), F.S., grant applications shall be evaluated for the degree to which a project incorporates multiple renewable energy technologies.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant’s and/or its partners’ records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

<u>Criteria</u>	<u>Max Points Possible</u>
<u>Cost Share Percentage¹</u>	<u>20</u>
<u>Economic Development²</u>	<u>16</u>
<u>Technical Feasibility³</u>	<u>16</u>
<u>Innovative Technology⁴</u>	<u>16</u>
<u>Production Potential⁵</u>	<u>16</u>
<u>Energy Efficiency⁶</u>	<u>16</u>
<u>Fostering Awareness⁷</u>	<u>16</u>
<u>Project Management⁸</u>	<u>16</u>
<u>Duration & Timeline⁹</u>	<u>6</u>
<u>Location Served¹⁰</u>	<u>4</u>
<u>Public Integration¹¹</u>	<u>4</u>
<u>Multiple Technologies¹²</u>	<u>4</u>
<u>Total Numerical Rating</u>	<u>150</u>

¹Cost Share Percentage: The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

²Economic Development: The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for economic development in Florida.

³Technical Feasibility: The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project demonstrated to be technically feasible and claims are fully supported.

⁴Innovative Technology: The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No degree of innovation or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates technologies or processes that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to meeting Florida's energy needs in new or innovative ways.

⁵Production Potential: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for energy production in Florida.

⁶Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

⁷Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for fostering awareness of renewable energy technologies throughout Florida.

⁸Project Management: The ability to administer a complete project.

Minimum (0 points): Project team mismatched for tasks identified. No prior management experience on project team. Budget is unrealistic.

Maximum (16 points): Project team has extensive management experience and expertise in the proposed field of study. Budget suited to tasks involved.

⁹Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (6 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

¹⁰Location Served: The geographic area in which the project is to be conducted in relation to other projects.

Minimum (0 points): Project duplicates existing efforts in the county or counties in which the project is proposed, minimizing its potential value to the community and state.

Maximum (4 points): Location of project benefits related efforts in the county or counties in which the project is proposed and surrounding areas, creating value for the community and state.

¹¹Public Integration: The degree of public visibility and interaction.

Minimum (0 points): No visibility and interaction with the general public or this element of the evaluation criteria was not addressed.

Maximum (4 points): Significant potential for public visibility and interaction.

¹²Multiple Technologies: The degree to which a project incorporates multiple renewable energy technologies in the project.

0 points = One renewable energy technology is used.

2 point = Two renewable energy technologies are used.

4 points = Three or more renewable energy technologies are used.

(b) The department shall establish a review group of no less than 3 people, who shall each individually review grant applications, and score each application according to the point system provided in paragraph (6)(a).

(c) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the score of the individual application compared to all other applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

(7) AWARD. The department shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

(c) The department shall award up to the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under paragraph (7)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining in each state fiscal year.

(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, FS., and this Chapter.

(f) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement ~~may~~ shall be considered as match if the proposed match would meet all requirements of this Rule Chapter and Chapter 377, F.S., which would be otherwise applicable to an awarded grant, and if the proposed match would not violate any other provisions of the law. The department shall determine, on a case-by-case basis, whether such expenses qualify for match. Approval of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804(3) FS. Law Implemented 377.802+, 377.804 FS. History—New _____.

62-16.400 Renewable Energy Technologies Grants Program for Bioenergy.

(1) REQUEST FOR GRANT PROPOSALS.

(a) The department shall issue a request for grant proposals ("RFGP"). The RFGP shall include a copy of the grant application form, instructions for submission of the grant application, and contact information for the department.

(b) The RFGP shall be issued by publication on the Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department's website.

(2) QUALIFIED APPLICANTS. Qualified applicants are those applicants identified in Section 377.804(2), F.S., and State of Florida agencies.

(3) APPLICATIONS. Applications for the Renewable Energy Technologies Grants Program for Bioenergy shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Grant Program, Bioenergy Projects, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Six copies of the application shall be submitted in hard copy format, using application Form 62-16.900(2), ~~F.A.C.~~, which is herein adopted and incorporated by reference. One copy shall be submitted in electronic format on compact disc at the same time as the hard copy. Acceptable formats for electronic versions are Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format. Acceptable formats for electronic versions of the signed commitment letters from third parties required by Form 62-16.900(2), are Adobe PDF; Microsoft Word for Windows versions 5.0 or higher; and Rich Text Format.

(b) Applications must be received by the department no later than 5:00 p.m. on the date specified in the RFGP.

(c) The application filing deadline shall be extended by the department when the department determines specifically for this grant program that extenuating circumstances exist, such as a hurricane or other natural disaster. Any deadline extension shall apply for all applicants. The department shall publish

notice of the deadline extension on Florida Department of Management Services State Vendor Bid System under MyFlorida MarketPlace, and on the department's web site.

(d) For grant requests, the minimum allowable amount for an application to be eligible for consideration for award shall be \$50 thousand, and the maximum allowable amount shall be \$2.5 million.

(e) **COMPLETENESS.** Any application which does not include all required information shall be determined incomplete, and ineligible for the award of the grant sought. The department shall notify the applicant of the determination of ineligibility.

(4) CRITERIA.

(a) The criteria listed in Section 377.804(6), F.S., shall apply to grants evaluated pursuant to that Section.

(b) In addition to the criteria in Section 377.804(6), F.S., grant applications shall be evaluated for the degree to which a project has scientific merit based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

(5) MATCHING FUNDS.

(a) For matching funds, the minimum allowable amount for an application to be eligible for consideration for award shall be \$1.00.

(b) All matching funds and other in-kind contributions, including third party in-kind, shall be verifiable from the applicant's and/or its partners records, and not be included as contributions for any other state-assisted project or program.

(c) Expenses related to a proposed project incurred prior to the award announcement are not eligible as matching funds or in-kind contributions.

(d) State funds are not eligible as matching funds or in-kind contributions.

(6) RANKING.

(a) The department shall use a point system to score grants. In scoring grants, points shall be awarded as follows:

Criteria	Max Points Possible
Cost Share Percentage ¹	20
Economic Development ²	16
Technical Feasibility ³	16
Innovative Technology ⁴	16
Production Potential ⁵	16
Energy Efficiency ⁶	16
Fostering Awareness ⁷	16
Project Management ⁸	16
Duration & Timeline ⁹	6
Location Served ¹⁰	4
Public Integration ¹¹	4

Multiple Technologies ¹²	4
Total Numerical Rating	150

¹ **Cost Share Percentage:** The availability of matching funds or other in-kind contributions applied to the total project from the applicant.

0 points = \$1.00 up to and including 1% of total project cost.

2 points = Greater than 1% up to and including 10% of total project cost.

4 points = Greater than 10% up to and including 20% of total project cost.

6 points = Greater than 20% up to and including 30% of total project cost.

8 points = Greater than 30% up to and including 40% of total project cost.

10 points = Greater than 40% up to and including 50% of total project cost.

12 points = Greater than 50% up to and including 60% of total project cost.

14 points = Greater than 60% up to and including 70% of total project cost.

16 points = Greater than 70% up to and including 80% of total project cost.

18 points = Greater than 80% up to and including 90% of total project cost.

20 points = Greater than 90% of total project cost.

² **Economic Development:** The degree to which the project stimulates in-state capital investment and economic development in metropolitan and rural areas, including the creation of jobs and the future development of a commercial market for renewable energy technologies.

Minimum (0 points): Negative contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for economic development in Florida.

³ **Technical Feasibility:** The extent to which the proposed project has been demonstrated to be technically feasible based on pilot project demonstrations, laboratory testing, scientific modeling, or engineering or chemical theory that supports the proposal.

Minimum (0 points): No proof of feasibility or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project demonstrated to be technically feasible and claims are fully supported.

⁴ **Innovative Technology:** The degree to which the project incorporates an innovative new technology or an innovative application of an existing technology.

Minimum (0 points): No degree of innovation or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates technologies or processes that are not in common use in Florida, that represent a novel application of an existing technology or process, or that overcome obstacles to meeting Florida's energy needs in new or innovative ways.

⁵ Production Potential: The degree to which a project generates thermal, mechanical, or electrical energy by means of a renewable energy resource that has substantial long-term production potential.

Minimum (0 points): No production potential or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for energy production in Florida.

⁶ Energy Efficiency: The degree to which a project demonstrates efficient use of energy and material resources.

Minimum (0 points): No consideration for energy efficiency or pollution prevention or this element of the evaluation criteria was not addressed.

Maximum (16 points): Project incorporates energy efficient products and practices including process improvements that lead to source reduction, waste minimization, and on-site recycling.

⁷ Fostering Awareness: The degree to which the project fosters overall understanding and appreciation of renewable energy technologies.

Minimum (0 points): No contribution or this element of the evaluation criteria was not addressed.

Maximum (16 points): Significant potential for fostering awareness of renewable energy technologies throughout Florida.

⁸ Project Management: The ability to administer a complete project.

Minimum (0 points): Project team mismatched for tasks identified. No prior management experience on project team. Budget is unrealistic.

Maximum (16 points): Project team has extensive management experience and expertise in the proposed field of study. Budget suited to tasks involved.

⁹ Duration & Timelines: Project duration and timeline for expenditures.

Minimum (0 points): Project objectives will not be met and grant funds will not be exhausted within the 3 year grant agreement timeframe.

Maximum (6 points): No difficulty accomplishing project objectives and expending funds within grant agreement timeframe.

¹⁰ Location Served: The geographic area in which the project is to be conducted in relation to other projects.

Minimum (0 points): Project duplicates existing efforts in the county or counties in which the project is proposed, minimizing its potential value to the community and state.

Maximum (4 points): Location of project benefits related efforts in the county or counties in which the project is proposed and surrounding areas, creating value for the community and state.

¹¹ Public Integration: The degree of public visibility and interaction.

Minimum (0 points): No visibility and interaction with the general public or this element of the evaluation criteria was not addressed.

Maximum (4 points): Significant potential for public visibility and interaction.

¹² Multiple Technologies: The degree to which a project incorporates multiple renewable energy technologies in the project.

0 points = One renewable energy technology is used.

2 point = Two renewable energy technologies are used.

4 points = Three or more renewable energy technologies are used.

(b) The department shall establish a review group of 4 people. Two members of the review group shall be appointed by the department. Two members of the review group shall be appointed by the Department of Agriculture and Consumer Services. Each reviewer shall individually review grant applications, and score each application according to the point system provided in paragraph (5)(a).

(c) Score points from all reviewers shall be ranked and averaged as follows:

1. Each reviewer shall rank each eligible application by assigning a ranking number to each eligible application based on the score of the individual application compared to all other applications reviewed by that reviewer. For example, the top scored application shall be assigned a ranking number of 1, the second highest scored application shall be assigned a ranking number of 2, the third highest scored application shall be assigned a ranking number of 3, and so on, until all eligible applications are ranked.

2. After all eligible applications are ranked by the individual reviewers, the ranking numbers from all reviewers for each individual application shall be averaged.

(7) AWARD. The department shall award grants based upon highest averaged ranking and availability of funding, with 1 being the highest ranking. Grants shall be awarded to the top ranked application first, to the second highest ranked application second, and so on until the total amount of the fiscal appropriation in each state fiscal year is met.

(a) The maximum amount for an individual award shall be limited to \$2.5 million.

(b) The minimum amount for an individual award shall be limited to \$50 thousand.

(c) The department shall award up to the total amount requested in individual grant applications to the top ranked grant applicants up to the maximum amount allowed under

paragraph (6)(a). If funds are not available to award the total amount requested by an applicant due to awards of grants to higher ranked applications, the department may award partial grants to applicants up to the amount of the fiscal appropriation remaining in each state fiscal year.

(d) In the instance of a ranking tie between two or more applications, the application proposing the higher percentage of match shall be ranked higher. In the instance of a ranking tie between two or more applications, and those applications propose the same percentage of match, the individual scores of the reviewers shall be added, and the application with the higher added reviewer scores shall be ranked higher. If there is still a tie, then the application submitted earlier in date shall be ranked higher.

(8) ADMINISTRATION.

(a) Grant funds must be awarded through a formal grant agreement negotiated and executed between the department and the grant applicant. Either party has the discretion to terminate negotiations if an agreement is not reached within 45 days of announcement of award. If the department and the grant applicant are unable to negotiate an agreement, the grant shall not be awarded to that grant applicant.

(b) Grant agreements shall be limited to no longer than three years in duration.

(c) Grant funds shall be distributed as reimbursements to recipients upon receipt of a formal invoice, supporting documentation, and upon department grant manager approval for compliance with all requirements of the grant agreement, this rule chapter, and the Florida Statutes.

(d) Invoices shall be submitted by grantees not more frequently than once per month, and not less frequently than once per quarter.

(e) Expenses incurred by a grantee and its project partners for its project after the execution of a formal grant agreement shall be considered as match based upon the requirements of Section 377.804, F.S., and this Chapter.

(f) Expenses incurred by a grantee and its project partners for its project between the date of a notice of grant award and execution of formal grant agreement may be considered as match. The department shall determine, on a case-by-case basis, whether such expenses qualify for match. Approvals of such expenses as match are subject to negotiation of the grant agreement, and prior written approval by the department is required. Consideration as match is not guaranteed.

Specific Authority 377.804 FS. Law Implemented 377.802~~4~~, 377.804 FS. History—New _____.

62-16.500 Solar Energy Systems Incentives Program.

(1) APPLICATION. Applications for rebates pursuant to the Solar Energy Systems Incentives Program, Section 377.806, F.S., shall be submitted to the Department of

Environmental Protection, ATTN: Solar Energy System Incentives Program, Florida Energy Office, 2600 Blair Stone Road, MS-21, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application Form 62-16.900(3), ~~FAC~~, which is ~~herein~~ adopted and incorporated by reference. All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. on the 90th day after the purchase date of the solar energy equipment. If the 90th day after the purchase date of the solar energy equipment falls on a weekend or an observed holiday for which Department offices have been closed, then the deadline shall be the next business day.

(b) Rebates are limited to one solar photovoltaic system, one solar thermal system, and one solar pool heater per resident. A separate application must be submitted for each rebate.

(c) All applications must include the information required on the application form, a photocopy of the original purchase agreement for the equipment and installation of the solar energy system, a copy of the final receipt of payment if different from the original purchase agreement, and a photograph of the installed system. All information provided to the department must be legible.

(d) The department shall review each timely filed application to determine if the application includes all required information.

1. An application that is determined to be complete upon initial filing shall be considered for eligibility and placement in the first-come, first-serve order for allocation of rebates based upon the date and time the application is filed.

2. If the department determines that the application does not contain all of the required information the department shall notify the applicant of the incompleteness of the application. Timely filed applications which do not include all required information shall not be considered as eligible for rebates and shall not receive a position in the first-come, first-serve order for allocation of rebates.

3. Applicants who are notified of the incompleteness of a timely filed application may file subsequent information in order to make the application complete. Timely filed applications that are initially determined incomplete, but are subsequently determined complete, shall be considered for eligibility for the rebate and placement in the first-come, first serve order for allocation of rebates based upon the date and time the application is determined complete.

(2) ISSUANCE. The department shall issue each rebate after the department determines that all required information has been provided for each application to make the application complete, provided funds are available to do so.

Specific Authority 377.806(7) FS. Law Implemented 377.801, 377.802, 377.803, 377.806 FS. History—New _____.

62-16.600 Renewable Energy Technologies Investment Tax Credit.

(1) GENERAL – This section applies to any taxpayer seeking a tax credit toward corporate income tax pursuant to Section 220.192, F.S., in the amount of the eligible costs as defined in Section 220.192(1)(b), F.S.

(a) This chapter does not apply to the tax return filing process regulated by the Florida Department of Revenue (DOR). An applicant seeking a tax credit pursuant to Section 220.192, F.S., shall apply to the department using the application process and Form 62-16.900(4), ~~F.A.C.~~, which is ~~herein~~ adopted and incorporated by reference. If deemed eligible for a tax credit, the department will issue a tax credit certificate to the applicant.

(b) The applicant may use these tax credits by attaching the certificate to its annual tax return filed with the DOR pursuant to rules promulgated by that agency.

(c) The department will not disburse any funds in connection with this tax credit program. Credits will not result in the payment of refunds by DOR if total credits exceed the amount of tax owed.

(d) Pursuant to Section 220.192, F.S., tax credits are limited to \$3 million per state fiscal year for all taxpayers in connection with an investment in hydrogen-powered vehicles and hydrogen vehicle fueling stations in the state; \$1.5 million per state fiscal year for all taxpayers in connection with an investment in commercial stationary hydrogen fuel cells in the state; and \$6.5 million per state fiscal year for all taxpayers in connection with an investment in the production, storage, and distribution of biodiesel (B10-B100) and ethanol (E10-E100) in the state.

(e) The department shall be responsible for allocating the tax credits and tracking granted tax credits in a fiscal year to ensure that tax credits granted do not to exceed the limits provided in Section ~~220.192~~.192, F.S. If an eligible applicant does not receive a tax credit allocation due to an exhaustion of the annual tax credit appropriation, its application shall remain in the first-come, first-served order in the next year's annual tax credit allocation, if any, based on the date and time of filing the original application.

(f) Tax credits pursuant to Section 220.192, F.S., are available only for eligible costs incurred during the state fiscal year for which the tax credit application is submitted.

(2) APPLICATION. Applications shall be submitted to the Department of Environmental Protection, ATTN: Renewable Energy Technologies Investment Tax Credit Program, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400 as follows:

(a) Applications shall be submitted in hard copy format, using application Form 62-16.900(4), ~~F.A.C.~~, which is ~~herein~~ adopted and incorporated by reference.

(b) All applications must be submitted by certified mail or hand delivered to the department, and must be received by the department no later than 5:00 p.m. on the 15th day following the end of the applicant's tax year. If the 15th day after the end of the applicant's tax year falls on a weekend or federal holiday, then the deadline shall be the next business day.

(c) All applications must include the information required on the application form, and must include all supporting documentation necessary. Supporting documentation shall include all invoices and proof of payment for expenses for which the applicant seeks the tax credit.

(d) Applications must include a completed and signed affidavit (included as part of the application form) from each applicant certifying that all information contained in the application, including all records of costs incurred and paid and claimed in the tax credit application, are true and correct.

(3) ELIGIBILITY. The department shall review each timely filed application for completeness and determine eligibility as follows:

(a) The department shall review each timely filed application within 15 days of receipt to determine if the application includes all required information. An application package will be deemed "complete" if Form 62-16.900(4); ~~F.A.C.~~, contains all required information and appropriate signatures and the package includes all necessary supporting documentation.

(b) If the department determines that the application does not contain all of the required information to make the application complete, the department shall notify the applicant in writing within 15 days of the receipt of the application of the deficiencies indicated by certified mail, unless the applicant requests, and is willing to pay for, alternative express mailing. Applications will not be returned to applicants.

(c) An applicant who is notified of a failure shall not be issued a credit until all required information is provided to the department.

(d) Credits shall be allocated on a first-come, first-served basis based upon the date and time complete applications are received by the department.

(e) Applications which do not include all required information shall not receive a position in the first-come, first-serve order for allocation of credits.

(f) The department will review the tax credit application package submitted by each applicant to verify that the applicant has met the qualifying statutory and rule criteria and has submitted all required documentation. Upon verification that the applicant has met all requirements, the department shall issue a determination of eligibility for applied for tax credits within 45 days of the receipt of complete information, subject to the fiscal limitations in Section 220.192, F.S., for the tax year in which the tax credit application is submitted.

Specific Authority 220.192(3) FS. Law Implemented 220.192 FS. History–New _____.

62-16.900 Forms.

The following forms are adopted and incorporated by reference in this Rule Chapter. The form is listed by rule number, which is also the form number, and by the subject title and effective date. Copies of the form may be obtained by writing to the Department of Environmental Protection, Florida Energy Office, 2600 Blair Stone Road, MS-19, Tallahassee, FL 32399-2400.

(1) Renewable Energy Technologies Grant Program Application, Form 62-16.900(1), ~~F.A.C.~~, (effective _____).

(2) ~~Renewable Energy Technologies Grant Program Application for Bioenergy, Form 62-16.900(2), F.A.C., (effective _____).~~

(2)(3) Solar Energy System Incentives Program Application, Form 62-16.900(3), ~~F.A.C.~~, (effective _____).

(3)(4) Renewable Energy Technologies Investment Tax Credit Program Application, Form 62-16.900(4), ~~F.A.C.~~, (effective _____).

(5) ~~Renewable Energy Technologies Sales Tax Program Application, Form 62-16.900(5), F.A.C., (effective _____).~~

Specific Authority ~~212.08~~, 220.192(3), 377.804(3), 377.806(7) FS. Law Implemented ~~377.804-377.806, 212.08~~, 220.192 FS. History--New _____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-16.400	Renewable Energy Technologies Grants Program for Bioenergy
62-16.700	Renewable Energy Technologies Sales Tax Program

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rules, as noticed in Vol. 33, No. 6, February 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-602.200	Definitions
62-602.270	Eligibility for Operator Examinations
62-602.300	Qualifications for Operator Licensure
62-602.360	Licensing Requirements for Non-Florida Operators
62-602.560	Candidates' Post Exam Review
62-602.570	Formal Administrative Hearing Petition and Pre-hearing Review Request
62-602.600	Fees for Operator Examinations and Licensure
62-602.650	Duties of Operators
62-602.720	Inactive Status of License
62-602.850	Disciplinary Guidelines
62-602.870	Suspension and Revocation of Operator License

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. 20, May 18, 2007 issue of the Florida Administrative Weekly.

62-602.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning.

(1) "Approved County Health Department" means ~~Broward, Hillsborough, Lee, Manatee, Miami-Dade, Palm Beach, Polk, Sarasota, or Volusia a County Health Departments pursuant to designated by the Department of Health and approved by the Department of Environmental Protection as having a qualified sanitary engineering staff to perform the duties described in Section 403.862(1)(c), F.S.~~

(5) "Delegated local program" means Broward County (collection systems only), Miami-Dade County, Hillsborough County, Palm Beach County, or Sarasota County pursuant to any county, municipality, or combination thereof that has established, and administers, a pollution control program approved by the Department of Environmental Protection in compliance with Section 403.182, F.S.

(20) "Water distribution system" means those components of a ~~regulated~~ public water system regulated under Chapter 62-550, F.A.C., used in conveying water for human consumption from the water treatment plant to the consumer's property, including pipes, tanks, pumps, and other constructed conveyances.

62-602.270 Eligibility for Operator Examinations.

(1) through (2) No change.

(3) ~~In lieu of meeting the requirements described in subsection (1) above, applicants for a water distribution system operator examination shall be allowed one opportunity to take either a Level 1, 2, or 3 examination before May 1, 2011, if the applicant meets the criteria listed in paragraphs (a) through (d) below. If a passing score is not obtained on the first examination attempt, the applicant must successfully complete a Department approved Level 3 water distribution system operator training course and begin the licensure process as a Level 3 water distribution system operator in accordance with subsection (1) above. Applicants under this subsection (3) must meet the following criteria:~~

(a) ~~For a Level 3 water distribution system operator examination, have a high school diploma or its equivalent and document at least 1.5 years (3,120 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or~~

(b) ~~For a Level 2 water distribution system operator examination, have a high school diploma or its equivalent and document at least 4 years (8,320 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or~~

~~(e) For a Level 1 water distribution system operator examination, have a high school diploma or its equivalent and document at least 6.5 years (13,520 hours) of experience as defined in subsection 62-602.250(7), F.A.C.~~

62-602.300 Qualifications for Operator Licensure.

To be eligible for licensure by the Department, the applicant shall:

(1) through (8) No change.

(9) In lieu of meeting the criteria in subsections (6), (7), or (8) above, applicants for a water distribution system operator license who meet the requirements listed in paragraphs (a), (b), or (c) below may apply for licensure to the Department before May 1, 2011.

(a) For licensure as a Level 3 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to [insert the effective date of this rule] one or more Department-approved water distribution system operator training courses that addressed operation and maintenance of water distribution systems, totalled no less than 20 contact hours, and included a Department-approved ~~an~~ end-of-course exam; and document at least 1 year (2,080 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(b) For licensure as a Level 2 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to [insert the effective date of this rule] one or more Department-approved water distribution system operator training courses that addressed operation and maintenance and troubleshooting of water distribution systems, totalled no less than 40 contact hours, and included a Department-approved ~~an~~ end-of-course exam; and document at least 3 years (6,240 hours) of experience as defined in subsection 62-602.250(7), F.A.C.; or

(c) For licensure as a Level 1 water distribution system operator, the applicant must have received a high school diploma or its equivalent; have satisfactorily completed or instructed prior to [insert the effective date of this paragraph] one or more Department-approved water distribution system operator training courses that addressed operation and maintenance and troubleshooting of water distribution systems and supervision of water distribution system personnel, totalled no less than 60 contact hours, and included a Department-approved ~~an~~ end-of-course exam; and document at least 5 years (10,400 hours) of experience as defined in subsection 62-602.250(7), F.A.C.

62-602.360 Licensing Requirements for Non-Florida Operators.

Operators licensed in other states must meet the following requirements to obtain a Florida license:

(1) No change.

(2) Have successfully completed a Department-approved training course for the class or level of the license being requested no more than 5 years before the application.

(2) through (3) renumbered (3) through (4) No change.

~~(5)(4) Be provided one opportunity to Obtain a passing score on the licensing examination, as provided for in paragraph 62-602.550(1)(a), for the class or level of license being requested. For the purpose of obtaining a license, the examination will satisfy the examination criterion for licensing for a period of four years from the date a passing score is obtained. If a passing score is not obtained on the first examination attempt, the applicant must complete a required training course for the class or level of the license being requested prior to resubmitting an application for examination. The required training course for the class or level of license being requested must have been completed no more than 5 years before the application for examination.~~

62-602.560 Candidates' Post-Exam Review.

Specific Authority 403.869 FS. Law Implemented 403.872 FS. History—New 12-30-99, Amended 2-6-02, Repealed.

62-602.570 Formal Administrative Hearing Petition and Pre-Hearing Review Request.

Under Sections 120.569 and 120.57, F.S., and Rules 62-110.106, 28-106.201 and 28-106.301, F.A.C., a candidate who has taken and failed an examination may petition for an administrative hearing under the following terms and conditions:

(1) ~~Except as noted in subsection (2) below, A~~all petitions for administrative hearings shall be filed no later than 21 days after the applicant receives the Department's grade notification letter. No petition received more than 21 days from the date of receipt of the grade notification letter will be accepted. The petition shall conform to Rule 28-106.201, F.A.C., when material facts are in dispute, or Rule 28-106.301, F.A.C., when no material facts are in dispute.

~~(2) For a candidate who elects to review the examination under subsection 62-602.560(1), F.A.C., the petition for a hearing must be filed no later than 21 days after the post-examination review or no later than 21 days after the date of the letter notifying the candidate that his or her challenge was found to be without merit.~~

(3) ~~No petition received more than 21 days from the date specified in subsections (1) or (2), as applicable, will be accepted. The petition shall conform to Rule 28-106.201, F.A.C., when material facts are in dispute, or Rule 28-106.301, F.A.C., when no material facts are in dispute.~~

(2)(4) No change.

(5) ~~If the candidate chose to file a petition for administrative hearing before a post examination review and later requests such review, the candidate will be required to pay~~

~~the post-examination review fee before a pre-hearing review is scheduled. The procedures for post-examination review in Rule 62-602.560, F.A.C., shall apply.~~

~~(3)(6)~~ No change.

62-602.600 Fees for Operator Examinations and Licensure.

The following fees are required for the activities associated with operator examination and licensing.

(1) through (5) No change.

~~(6) A fee of \$75 will be required for examination reviews conducted in accordance with Rule 62-602.560, F.A.C.~~

~~(6)(7)~~ No change.

62-602.650 Duties of Operators.

An operator is responsible for performing treatment plant or water distribution system operation and maintenance duties in a ~~responsible and professional~~ manner consistent with standard operating practices. The duties shall be the following:

(1) through (5) No change.

62-602.720 Inactive Status of License.

(1) through (3) No change.

(4) The license of an inactive licensee that does not achieve active status within two years following the end of the most recent licensing period shall be expired, and subsequent licensure will require meeting all the requirements for initial licensure at or below the class or level which he/she was licensed the highest class or level previously obtained.

62-602.850 Disciplinary Guidelines.

~~(4)~~ When the Department finds that a person; who is subject to regulation under Sections 403.865 through 403.876, F.S., has violated any of the provisions set forth in Rule 62-602.800 or 62-602.870, F.A.C., or Sections 403.865 through 403.876, F.S., it shall issue an administrative order imposing appropriate penalties for each count within the ranges recommended in the following disciplinary guidelines:

(a) through (g) renumbered (1) through (7) No change.

~~(8)(h)~~ Failure to comply with the provisions of Rule 62-602.650, F.A.C. The recommended penalty for failure to submit reports in a timely manner, or to maintain operation and maintenance logs, as required by Rule 62-602.650, F.A.C., is from a minimum issuance of a probation letter to a maximum administrative fine of \$100 per day of the occurrence up to a maximum of \$1,000 for the offense. The recommended penalty for failure to report unpermitted discharges, interruption of service, plant upsets, or the failure to report the production of drinking water that does not meet the applicable requirements is from a minimum of a suspension of license of 1 year, up to a maximum of revocation of license. The recommended penalty for failure to perform treatment plant or water distribution system operation in a manner consistent with standard operating practices, or failure to comply with any other provision of Rule 62-602.650, F.A.C., is from a minimum

administrative fine of \$100 per day of the occurrence up to a maximum of \$1,000 for the offense. ~~The actual penalty imposed depends upon the severity of the violation to cause harm to the environment, or to endanger the public's or plant employees' health or safety.~~

~~(j) Failure to comply with any Department order previously entered in a disciplinary hearing. The recommended penalty is from a minimum of license suspension for 1 year for failure to comply with one order, up to a maximum of license revocation for failure to comply with more than one order.~~

~~(9)(i)~~ Checks for licensure, license renewal, examination; or examination review returned for insufficient funds. The recommended penalty is suspension of license until the full fees are received, including the charge for insufficient funds.

[Although the Notice of Proposed Rule indicated no changes to subparagraphs 62-602.850(2)(a)1. and (2)(b)2.-4., F.A.C., based on comments from the Joint Administrative Procedures Committee, the entire subsection is being deleted.]

~~(2) The Department shall be entitled to deviate from the above guidelines upon a showing of aggravating or mitigating circumstances by the accused before any imposition of a final penalty.~~

~~(a) Aggravating circumstances are circumstances that justify deviating from the above disciplinary guidelines and cause the increase of a penalty beyond the maximum level of discipline in the guidelines. These are:~~

~~1. History of previous violations of these rules.~~

~~2. For negligence, the magnitude and scope of the damage inflicted upon the environment, treatment plant or water distribution system, treatment plant or water distribution system employees, or general public by the operator's misfeasance.~~

~~(b) Mitigating circumstances are circumstances that justify deviating from the above disciplinary guidelines and cause the reduction of a penalty below the minimum level of discipline in the guidelines. These are:~~

~~1. For negligence, the nature of the treatment plant or water distribution system in question and lack of danger to the environment or public health, safety and welfare resulting from the operator's misfeasance.~~

~~2. Lack of previous disciplinary history in this or any other jurisdiction wherein the operator practices his profession.~~

~~3. Restitution of any damages suffered by the operator's client.~~

~~4. Steps taken by the operator to ensure that similar violations will not occur.~~

62-602.870 Suspension and Revocation of Operator License.

(1) No change.

(2) The Department shall permanently revoke a license for any one of the following reasons:

(a) through (b) No change.

(c) A finding by the Department that negligence in the performance of duties as an operator has resulted in harm ~~and a threat~~ to public health or safety; or ~~harm~~ to the environment.

- (d) No change.
- (3) through (6) No change.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-699.200	Definitions
62-699.310	Classification and Staffing of Plants
62-699.311	Additional Classification and Staffing Requirements

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. 20, May 18, 2007 issue of the Florida Administrative Weekly.

62-699.200 Definitions.

For the purposes of this chapter, the following words, phrases, or terms shall have the following meaning.

(1) “APPROVED COUNTY HEALTH DEPARTMENT” means Broward, Hillsborough, Lee, Manatee, Miami-Dade, Palm Beach, Polk, Sarasota, or Volusia ~~a~~ County Health Department pursuant to designated by the Department of Health and approved by the Department of Environmental Protection as having a qualified sanitary engineering staff to perform the duties described in Section 403.862(1)(c), F.S.

- (1) through (4) No change.

(5) “DELEGATED LOCAL PROGRAM” means Broward County (collection systems only), Miami-Dade County, Hillsborough County, Palm Beach County, or Sarasota County pursuant to ~~pursuant to any county, municipality, or combination thereof that has established, and administers, a pollution control program approved by the Department of Environmental Protection in compliance with Section 403.182, F.S.~~

- (6) through (23) No change.

62-699.310 Classification and Staffing of Domestic Wastewater or Water Treatment Plants and Water Distribution Systems.

This section applies to all domestic wastewater treatment plant permittees or suppliers of water except suppliers of water who own or operate a transient non-community water system serving only businesses other than public food service establishments and using only ground water as a source of supply. Licensed operators are not required for transient non-community water systems serving only businesses other than public food service establishments and using only ground water as a source of supply.

- (1) No change.

(2) Permittees and suppliers of water shall employ licensed operators on-site at their domestic wastewater or water treatment plant(s) to fulfill the time and ~~or~~ visit requirements specified in paragraphs (a) through (e) below. Beginning May 1, 2011, suppliers of water shall employ licensed operators to staff their water distribution system as specified in paragraph (f) below.

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

[Footnote]

¹ Water distribution system operation and maintenance activities that may affect water quality or quantity include the following: cleaning (swabbing, pigging, scraping, or air-purging) existing water mains; tapping, depressurizing/dewatering, or disinfecting existing or repaired water mains; dewatering, cleaning, or disinfecting existing or repaired finished-water storage tanks; and manually operating existing pumps, or adjusting automatic pump controls or automatic control valves, as necessary to regulate water distribution system flows or pressures.

62-699.311 Additional Classification and Staffing Requirements.

- (1) through (3) No change.

(4) Upon written request by the permittee or supplier of water, the Department shall approve in writing, in accordance with paragraph (a) or (b) below, reduction in staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C. ~~For proposed new domestic wastewater or water treatment plants that are under an electronic surveillance system, automatic control system, or electronic control system and for existing domestic wastewater or water treatment plants that are under an electronic surveillance system, automatic control system, or electronic control system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the daily staffing requirements in paragraph 62-699.310(2)(a) or (e), F.A.C., shall be reduced in accordance with paragraph (a) or (b) below upon written request by the permittee or supplier of water and written approval by the Department. However, if the Department approves a reduction in staffing requirements under this subsection and the plant’s electronic surveillance system, automatic control system, or electronic control system subsequently malfunctions or fails, the Department’s approval of reduced staffing requirements shall be considered temporarily revoked while the plant’s electronic surveillance system, automatic control system, or electronic control system is not functioning properly.~~

- (a) through (b) No change.
- (5) through (6) No change.

(7) Upon written request by the supplier of water, the Department shall approve in writing, in accordance with paragraphs (a) through (d) below, reduction in staffing

~~requirements under subparagraph 62-699.310(2)(e)5., F.A.C. For proposed new Category V water treatment plants that are connected to the same water distribution system and for existing Category V water treatment plants that are connected to the same water distribution system and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the staffing requirements in subparagraph 62-699.310(2)(e)5., F.A.C., shall be reduced in accordance with paragraphs (a) through (d) below upon written request by the supplier of water and written approval by the Department.~~

(a) through (d) No change.

~~(8) Upon written request by the permittee or supplier of water, the Department shall approve in writing, in accordance with paragraphs (a) and (b) below, reduction in staffing requirements under paragraph 62-699.310(2)(a) or (e), F.A.C. For existing domestic wastewater or water treatment plants that are treating or producing less than the permitted capacity of the plant and that have been in compliance with applicable water quality standards and applicable operation and maintenance requirements for the past year, the staffing requirements in paragraph 62-699.310(2)(a) or (e), F.A.C., shall be reduced in accordance with paragraphs (a) and (b) below upon written request by the permittee or supplier of water and written approval by the Department.~~

(a) through (b) No change.

(9) through (12) No change.

~~(13) Upon written request by the permittee or supplier of water, the Department shall approve in writing an interchange of weekend visits with the same number of required weekdays of staffing. For domestic wastewater or water treatment plants that have greater influent flow or water production on weekends than on weekdays, required weekend visits may be interchanged with the same number of required weekdays of staffing upon written request by the permittee or supplier of water and written approval by the Department. The total number of days per week that a plant is staffed versus visited shall not be reduced.~~

(14) No change.

DEPARTMENT OF HEALTH

Board of Dentistry

RULE NO.: RULE TITLE:
64B5-15.030 One Time Fee

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. 32, August 10, 2007 issue of the Florida Administrative Weekly.

The change is in response to an inadvertent error of duplicative language in subsections (1)(c) and (2). The actual language approved by the Board for paragraph (1)(c) should read as follows:

(c) The Department shall not reinstate or reactivate the license of any individual who has failed to pay the one time fee set forth above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sue Foster, Executive Director, Board of Dentistry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: RULE TITLE:
69J-8.004 Qualification and Certification of
Neutral Evaluators

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. 13, March 30, 2007 issue of the Florida Administrative Weekly.

These changes are being made to address concerns expressed by the Joint Administrative Procedures Committee.

The text of form DFS-H2-1783, Neutral Evaluator Application, in subsection 69J-8.004(1), F.A.C., has been modified to remove the field requesting the social security number.

The remainder of the reads as previously published.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: RULE TITLE:
69O-137.013 Florida Hurricane Catastrophe Fund
Assessment Information Gathering

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 31, August 3, 2007 Florida Administrative Weekly has been continued from August 28, 2007 to September 19, 2007.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.: RULE TITLES:
69O-157.301 Rate Increase Standards
69O-157.302 Facility Only Rates
69O-157.303 Home Health Care Only Rates
69O-157.304 Comprehensive Only Rates

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 31, August 3, 2007 Florida Administrative Weekly has been continued from August 28, 2007 to September 19, 2007.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-167.015	Uniform Home Grading Scale to Grade the Ability of a Home to Withstand Wind Loads from Tropical Storms or Hurricanes

NOTICE OF CONTINUATION

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 31, August 3, 2007 Florida Administrative Weekly has been continued from August 28, 2007 to September 19, 2007.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
690-170.005	Use of Filed Rates
690-170.006	Rate Manual Filings and Revisions
690-170.007	Annual Rate Filings
690-170.013	Filing Procedures for Property and Casualty Insurance Rates, Rules, Underwriting Guidelines, and Forms
690-170.0135	Actuarial Memorandum
690-170.014	Homeowners Insurance Ratemaking and Rate Filing Procedures
690-170.0141	Dwelling Insurance Ratemaking and Rate Filing Procedures
690-170.0142	Ratemaking and Rate Filing Procedures for Commercial Residential Insurance and All Other Lines
690-170.0143	Ratemaking and Rate Filing Procedures for Liability Insurance for Medical Malpractice
690-170.0155	Forms

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 46, November 12, 2004 issue of the Florida Administrative Weekly has been withdrawn.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.:	RULE TITLE:
690-171.003	Reports by Insurers of Professional Liability Claims and Actions Required

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 8, February 24, 2006 issue of the Florida Administrative Weekly. The changed proposed rule will read:

690-171.003 Reports by Insurers of Professional Liability Claims and Actions Required.

(1)(a) ~~Each entity identified in Section 627.912(1)(a), or 627.912(5), F.S., self-insurer authorized under Section 627.357, F.S., and each insurer or joint underwriting association providing professional liability insurance to a practitioner of medicine licensed pursuant to the provisions of Chapter 458, F.S., to a practitioner of osteopathic medicine licensed pursuant to the provisions of Chapter 459, F.S., to a podiatric physician licensed pursuant to the provisions of Chapter 461, F.S., to a dentist licensed pursuant to the provisions of Chapter 466, F.S., to a hospital licensed pursuant to the provisions of Chapter 395, F.S., to crisis stabilization units licensed under Part IV of Chapter 394, F.S., to a health maintenance organization certified under Part I of Chapter 641, F.S., to clinics included in Chapter 390, F.S., to an ambulatory surgical center as defined in Section 395.002, F.S., or to a member of the Florida Bar, shall report to the Office of Insurance Regulation (Office) any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of such insured’s professional services or based on a claimed performance of professional services without consent. In any calendar year in which no claim or action for damages has been closed, the entity shall file a “No Claim Submission Report”. Each such ~~entity insurer or self-insurer~~ required to report under this rule shall submit such information to the Office using the “Professional Liability Claims Reporting System” (“PLCR”) located at <https://apps.fldfs.com/plcr>, Form OIR-A1-1672 (1-06). The PLCR is incorporated and adopted by reference, electronically by using computer software provided by the Office. A copy of the judgment or settlement must be provided along with any other information required by the Office that is not included in the computer software. ~~The following forms have been converted into the software provided by the Office are hereby incorporated by reference, and shall take effect on the effective date of this rule amendment: Form OIR 303 (5/99) “Florida Medical Professional Liability Insurance Claims Report” and OIR 304 (5/99) “Lawyers Professional Liability Closed Claim Reporting Form.” Professional liability closed claim reports must be filed by the insurer if the claim resulted in:~~~~

(a) A final judgment in any amount; or

(b) In addition to the requirements set forth in Section 627.912(2), F.S., and to assist the Office in its analysis and evaluation of the nature, causes, location, cost and damages involved in professional liability cases, reports shall contain: A settlement in any amount.

1. The type of entity insured, which will include but not be limited to hospitals, individuals or other facilities;
2. The field of medicine in which a physician practices;
3. The facility license or registration number, if available;

4. The amount the insurance company has set aside to pay the claim as of the closing date of the claim;

5. The names of all known defendants;

6. Whether or not the claim was closed due to a jury verdict or settlement;

7. The county in which the injury occurred; and

8. The date on which payment was made.

(2) Each authorized insurer, risk retention group, joint underwriting association and surplus lines insurer shall annually report to the Office on or before May 1 of each calendar year a reconciliation of all paid claims and loss adjustment expenses reported pursuant to Section 627.912, F.S., and direct loss and loss adjustment expenses paid in the State of Florida and reported in their National Association of Insurance Commissioners annual statement. Such reconciliation shall be reported using the method as described in paragraph (1)(a) and shall include but not be limited to the following:

(a) Payments on claims not closed in previous calendar year;

(b) Payments made prior to January 1 on claims closed during the previous calendar year;

(c) Losses paid on claims not settled under Florida law but which are reported in the NAIC annual statement;

(d) Payments on claims reported on policies written in another state;

(e) Reimbursements received;

(f) Rounding and statistical adjustments (explanatory documentation must be provided);

(g) Un-reconciled amounts (explanatory documentation must be provided);

(h) Closed claim subtractions; and

(i) Closed claim additions.

(3)(2) Any self-insurance program established under Section 1004.24 240.213, F.S., shall report, using such method as described in paragraph (1)(a), in duplicate to the Office of Insurance Regulation any claim or action for damages for personal injuries claimed to have been caused by error, omission, or negligence in the performance of professional services provided by the Board of Regents through an employee or agent of the Board of Regents, including practitioners of medicine licensed under Chapter 458, F.S., practitioners of osteopathic medicine licensed under Chapter 459, F.S., podiatric physicians licensed under Chapter 461, F.S., and dentists licensed under Chapter 466, F.S., or based on a claimed performance of professional services without consent if the claim resulted in a final judgment in any amount, or a settlement in any amount.

(4)(3) Reports are due no later than 30 days after the claim has been closed, following the occurrence of one of the events listed in paragraph (a) or (b) above. "No Claim Submission Reports" are due no later than May 1st of each year. Entities

not filing a closed claim or a "No Claim Submission Report" will be subject to fines and penalties as listed in Section 627.912, F.S. A closed claim report which is inaccurate, incomplete, or not properly formatted will be returned unprocessed and will be considered late until an accurate, complete and properly formatted report is received.

(4) The Office shall impose a fine of \$250 per day per case, but not to exceed a total of \$1,000 per case against an insurer or self-insurer that violates the professional liability closed claim reporting requirements. This applies to claims closed on or after October 1, 1997.

(5) Section 627.912(1)(a), F.S., states that a claim must be reported to the Office if it resulted in a final judgment in any amount, a settlement in any amount, or a final disposition of a medical malpractice claim resulting in no indemnity payment on behalf of the insured. Pursuant to this paragraph, the following triggers the requirement of Section 627.912, F.S., to report a claim to the Office: Copies of the Professional Liability Closed Claim Software are available from the Office of Insurance Regulation, Bureau of Property and Casualty Forms and Rates, Room 238.14, Larson Building, Tallahassee, Florida 32399-0300, (850)413-5346.

(a) Any judgment that has been entered against any health care provider identified in paragraph 627.912(1)(a), F.S., for which all appeals as a matter of right have been exhausted or for which the time period for filing such an appeal has expired.

(b)1. The execution of an agreement between a health care provider identified in paragraph 627.912(1)(a), F.S., or an entity required to report under that paragraph and a recipient of professional services by the provider to settle damages purported to arise from the provision of professional services, which agreement includes the payment of at least one dollar; or

2. The payment of any money by any of the entities required to report under paragraph 627.912(1)(a), F.S., on behalf of any health care provider identified in that paragraph for damages purported to arise from professional services rendered.

(c) The final disposition of a medical malpractice claim for which no indemnity payment was made on behalf of the insured but for which there were loss adjustment expenses (LAE) paid in excess of twenty-five hundred dollars (\$2,500).

(d) As used in paragraph (c) a medical malpractice claim means an assertion that the recipient of one of the health services identified in paragraph 627.912(1)(a), F.S., received personal injuries as a result of error, omission, or negligence in the performance of such health service or received such health service without consent, and for which the insurer has set indemnification reserves.

(e) As used in paragraph (c) final disposition means the insurer has brought down all reserves and closed its file.

(6) The data provided to the Office via the PLCR may be accessed at the Office's web site at www.flair.com.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.912, 627.918 FS. History—New 1-16-83, Amended 6-14-83, 7-1-85, 12-31-85, Formerly 4-59.03, Amended 11-9-86, 6-15-88, Formerly 4-59.003, Amended 4-28-92, 6-13-99, Formerly 4-171.003, Amended _____.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 690-175.003 RULE TITLE: Motor Vehicle Insurance Ratemaking and Rate Filing Procedures

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 30, No. 46, November 12, 2004 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 ENVIRONMENTAL PROTECTION

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

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

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

WATER MANAGEMENT DISTRICTS

NOTICE IS HEREBY GIVEN THAT on August 9, 2007, the Suwannee River Water Management District (SRWMD), received a petition for variance from George & Charlotte Young, 105 S. E. 837th Street, Old Town, FL 32680, pursuant to Section 120.542, F.S. Petitioner is seeking a variance from paragraph 40B-4.3030(11)(b), F.A.C., to the 75-foot setback requirement. The permit applicant is proposing to reconstruct

an existing home in Dixie County, Township 11 South, Range 13 East, Section 11, partially within the 75-foot setback of the Suwannee River. These rules are intended to set forth criteria for development activities within a Work of the District. Comments on this petition should be filed with: Jon Dinges, District Clerk, SRWMD, 9225 CR 49, Live Oak, FL 32060, within 14 days of publication of this notice. The petition has been assigned ERP Number 07-0235.

A copy of the Petition for Variance or Waiver 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 (800)226-1066 in Florida only.

NOTICE IS HEREBY GIVEN THAT on July 24, 2007, the South Florida Water Management District (District), received a petition for waiver from the Florida Department of Transportation-District Four, Application No. 07-0724-2 for issuance of a Right of Way Occupancy Permit for utilization of Works or Lands of the District known as the C-14, Broward County, to allow utilization of the District's C-14 right of way for the placement of approximately 1,445' of continuous barrier wall and concrete sidewalk lying in Sections 34, 35 and 1, Township 48, 49S, Range 42E. The petition seeks relief from subsections 40E-6.011(4) and (6), Fla. Admin. Code, which governs the placement of above-ground permanent and semi-permanent encroachments within 40 feet of the top of the canal bank.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

NOTICE IS HEREBY GIVEN THAT on August 15, 2007, the South Florida Water Management District (District), received a petition for Wavier from Collier County Parks & Recreation Department, Application Number 07-0615-8, for utilization of Works of Lands of the District known as the I-75 Canal, Collier County, for the proposed installation of an aluminum pedestrian railing. The petition seeks relief from subsections 40E-6.011(4), (6), and Rule 40E-6.221, Fla. Admin. Code, which governs placement of above-ground permanent and semi-permanent encroachments (installation of an aluminum pedestrian railing) within the Works or Lands of the District.

A copy of the Petition for Variance or Waiver may be obtained by contacting Juli Triola at (561)682-6268 or email at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by end of

business on 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1411, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on August 1, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from El Mana #1 located in Ocoee. 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 a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Hytie's Bagels by the Sea located in Satellite Beach. 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 14, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on May 7, 2007, by Lynn Finkelstein. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 22, of the June 1, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-33.006(2), F.A.C., entitled "Inactive or Delinquent Florida Certified Public Accountants Who Desire to Become Active Licensees" with regard to the requirement that required continuing professional education hours have been completed in the 24 months immediately

proceeding the date of an application for reactivation. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order, filed August 14, 2007, denied the petition finding that Petitioner had failed to establish that the purpose of the underlying statute, Section 473.311, F.S., would be met by granting a variance or waiver from subsection 61H1-33.006(2), F.A.C. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to her circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT on August 15, 2007, the Board of Medicine, received a petition for waiver or variance filed by Laith Kasir, M.D., from Rule 64B8-4.009, F.A.C., with regard to the requirement for submission of documentation of medical education directly from Petitioner's medical school. Comments on this petition should be filed with the Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Larry McPherson, Jr., Executive Director, Board of Medicine, at the above address, or telephone (850)245-4131.

NOTICE IS HEREBY GIVEN THAT on May 3, 2007, the Department of Health has issued an order.

The Department of Health gives notice that it has issued a response to a petition for variance, which was filed on May 3, 2007, by Diana Hosein, Owner, Young Chefs Academy.

The petitioner sought a permanent variance from subparagraph 64E-11.006(1)(m)3., Florida Administrative Code, for the use of a certified residential dishwasher. The Department of Health determined that Young Chefs Academy is not currently a school or any other facility defined as a food service establishment as per Section 381.0072(1)(b), Florida Statutes. As the facility did not fall within the Department of Health's jurisdiction, the Department was without authority to render a decision regarding the variance request. To view the notice of receipt of the petition, see F.A.W., Vol. 33, No. 20, May 18, 2007.

For a copy of the order regarding this action, contact: Ric Mathis, Bureau of Community Environmental Health, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1710 or by calling (850)245-4277.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on August 17, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(1)(a), F.A.C., that incorporates Part II.A.2.a.(1) of the Universal Cycle Application Instruction, Florida Administrative Code, from Golden Acres Redevelopment, Ltd. ("Petition"). The Petition is seeking a waiver of the restriction to change the ownership structure after submission of the 2006 Universal Application.

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.

NOTICE IS HEREBY GIVEN THAT on August 17, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67ER06-27(1)(a), that incorporates Part II.A.2.a.c.(1) of the Universal Cycle Application Instruction, Florida Administrative Code from Golden Acres Redevelopment Phase II, Ltd. ("Petition"). The Petition is seeking a waiver of the restriction to change the ownership structure.

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.

NOTICE IS HEREBY GIVEN THAT on August 17, 2007, the Florida Housing Finance Corporation, received a petition for paragraph 67-21.003(1)(a), F.A.C., that incorporates Part II.A.2.a.(2) of the Universal Cycle Application Instruction and Part II.A.2.a.(2) of the 2006 Universal Cycle Application Instructions, Florida Administrative Code, from The Villas at Carver Park, LLLP. ("Petition"). The Petition is seeking a waiver of a change in ownership structure.

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.

NOTICE IS HEREBY GIVEN THAT on August 20, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), F.A.C., regarding a change in the development site from Pebble Hill Estates ("Petition").

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.

NOTICE IS HEREBY GIVEN THAT on August 21, 2007, Florida Housing Finance Corporation received a Petition for Waiver of paragraph 67ER06-27(1)(a), F.A.C., that incorporates Part III.D.1.f of the RRLPI Application Instructions, Florida Administrative Code, from Friendship Tower, Ltd. ("Petition"). The Petition is seeking a waiver to allow for the use of non-skid ceramic floor tile in lieu of tight-napped Berber-type carpet.

A copy of the Petition can be obtained from 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.

NOTICE IS HEREBY GIVEN THAT on August 21, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(1)(a), F.A.C., that incorporates Part III.D.1.f of the Universal Application Instruction, Florida Administrative Code, Highland Gardens Development, Ltd.

("Petition"). The Petition is seeking a waiver to allow for the use of non-skid ceramic floor tile in lieu of tight-napped Berber-type carpet.

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.

NOTICE IS HEREBY GIVEN THAT on August 21, 2007, the Florida Housing Finance Corporation, received a petition for Variance/Waiver of paragraph 67-48.004(14)(g), Florida Administrative Code, from Lakeside Village Housing, Ltd., LLLP. ("Petition"). The Petition is seeking a waiver of a change in the development site.

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.

NOTICE IS HEREBY GIVEN that on August 21, 2007, the Florida Housing Finance Corporation, received a petition for Variance/Waiver of paragraph 67-48.004(14)(g), Florida Administrative Code, from Pine Haven Housing, Ltd., LLLP. ("Petition"). The Petition is seeking a waiver of a change in the development site.

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.

NOTICE IS HEREBY GIVEN THAT on August 21, 2007, the Florida Housing Finance Corporation, received a petition for Variance/Waiver of paragraph 67-48.004(14)(g), Florida

Administrative Code, from The Villages at Halifax Housing, Ltd., LLLP. ("Petition"). The Petition is seeking a waiver of a change in the development site.

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.

NOTICE IS HEREBY GIVEN THAT on August 22, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Creative Choice Homes XXXII, Ltd. ("Petition"). The Petition is seeking a waiver of a modification in the development site.

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.

NOTICE IS HEREBY GIVEN THAT on August 22, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Morris Court II, Ltd. ("Petition"). The Petition is seeking a waiver of a modification in the development site.

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.

NOTICE IS HEREBY GIVEN THAT on August 22, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of paragraph 67-48.004(14)(e), Florida Administrative Code, from Sea Grape Apartments, Ltd. ("Petition"). The Petition is seeking a waiver of a change in the development site.

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.

Section VI Notices of Meetings, Workshops and Public Hearings

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

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

DATE AND TIME: September 19, 2007, 9:00 a.m.

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

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

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Department of State, Division of Historical Resources** announces a public notice Historic Marker Conference Call to which all interested persons are invited.

DATE AND TIME: Wednesday, October 10, 2007, 10:00 a.m. (EDT)

PLACE: R. A. Gray Building, Room 409, 500 S. Bronough St., Tallahassee, FL 32399-0250

GENERAL SUBJECT MATTER TO BE CONSIDERED: To Review Historical Marker applications.

A copy of the agenda may be obtained by writing to: Florida State Historical Marker Program, Bureau of Historic Preservation, Division of Historical Resources, 500 S. Bronough St., Tallahassee, FL 32399-0250.

Should any person wish to appeal any decision made with respect to the above referenced meeting, she or 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, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

The **Department of State, Division of Cultural Affairs**, and Florida Arts Council, announces a public teleconference meeting to which all persons are invited.

Florida Arts Council Meeting

DATE AND TIME: September 19, 2007, 10:00 a.m. – Conclusion

PLACE: The access telephone number is: 1(866)212-0875, the access code is 1983085#

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Florida Arts Council.

ACTION TO BE TAKEN: To discuss, review and take action on funding recommendations for grants and any other business which may appropriately come before the Council. Note: If a quorum of members does not attend, items on the agenda for formal action will be discussed as a workshop by those present, and written minutes will be taken although no formal action will be taken. If you have questions, please call (850)245-6473.

A copy of the agenda may be accessed at the Division of Cultural Affairs' Web site at www.Florida-Arts.org, <http://www.florida-arts.org/about/FloridaArtsCouncilQuarterlyMeetingAgenda.htm> or by contacting: Dianne Alborn, Executive Assistant, 500 South Bronough Street, R. A. Gray Building, Tallahassee, Florida 32399-0250, (850)245-6473 or by email at dalborn@dos.state.fl.us.

Should any person wish to appeal any decision made with respect to any matter considered at the above-referenced meeting, he/she may need to ensure verbatim recording of the proceeding in order to provide a record for judicial review. The Division of Cultural Affairs will not record these meetings.

Pursuant to the provisions of the Americans with Disabilities Act, persons with disabilities are asked to contact the Division office by the 14th day of September 2007, if you need an accommodation. Accommodations can be arranged through Morgan Lewis, ADA Coordinator for the Division of Cultural Affairs, at (850)245-6356, by Fax at (850)245-6497, or by email at mblewis@dos.state.fl.us.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The Florida **Department of Agriculture and Consumer Services**, Florida Agricultural Center and Horse Park Authority announces a public meeting to which all persons are invited.

MEETING GROUP: Florida Horse Park and Agricultural Center Authority Executive Committee

DATE AND TIME: September 12, 2007, 6:00 p.m.

PLACE: Florida Horse Park, 11008 Highway 475 South, Ocala, Florida 34476

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general business of the Horse Park planning, construction, and operation.

For a copy of the agenda or to notify that you are a person desiring to attend with a disability that requires certain accommodations, please contact: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Plaza Level 10, The Capitol, Tallahassee, Florida 32399-0800, gunnelr@doacs.state.fl.us.

The Florida **Department of Agriculture and Consumer Services** announces a public meeting on Rule 5B-38.009, F.A.C., the Lettuce Advisory Committee, to which all persons are invited.

DATE AND TIME: Wednesday, October 3, 2007, 12:00 Noon
 PLACE: Everglades Research and Education Center, County Road 880, Belle Glade, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: AGENDA

- I Welcome and Introductions
- II Old Business
- III New Business
 - a. Division of Plant Industry Representatives
 - b. Everglades Research & Education Center staff project updates
- IV Presentations
- V Questions and Answers – General Discussion
- VI Adjourn

A copy of the agenda may be obtained by contacting Denise Hamm at hammd1@doacs.state.fl.us or (352)372-3505, Ext. 107.

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 David Basore, Chairman, Lettuce Advisory Committee at (561)996-6469. 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 Alligator Marketing and Education Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 18, 2007, 10:00 a.m.

PLACE: Bob Crawford Agriculture Center, 605 East Main Street, Bartow, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this meeting is to conduct general business of the Florida Alligator Marketing and Education Committee, and to discuss marketing and education initiatives for the next fiscal year.

For more information, you may contact John Easley or Martin May at (850)488-0163.

DEPARTMENT OF EDUCATION

The Florida Rehab Council for the Blind, **Division of Blind Services** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 6, 2007, 10:00 a.m. (EST)

PLACE: Contact Phyllis Dill for the conference number

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion on recommendations and selections for the Division of Blind Services Director.

For more information, you may contact Phyllis Dill at (850)595-5282 or phyllis.dill@dbs.fldoe.org.

NOTICE OF CANCELLATION – The Florida **Department of Education**, Go Higher Taskforce announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 10:00 a.m. – 2:00 p.m.

PLACE: Department of Education, 325 West Gaines Street, Suite 1721/25, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting published in the August 10, 2007, Vol. 33/32 edition of the F.A.W. is CANCELLED.

For more information, you may contact: Dr. Judith Bilsky, Executive Vice Chancellor, Division of Community Colleges, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-9452.

The **Florida Atlantic University**, Florida's Art in State Buildings Program announces the following public meeting to which all persons are invited.

COMMITTEE: Art Selection Committee

DATE AND TIME: September 7, 2007, 2:30 p.m. – 5:30 p.m.

PLACE: Florida Atlantic University, Florida's Art in State, Buildings Program, Jupiter Campus, Building MC-02, Room AD 222, 5353 Parkside Drive, Jupiter, FL 33458

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a Slide Review Meeting regarding Florida's Art in State Buildings Program for BR-604 Harriet L. Wilkes Building.

For more information or to obtain a copy of the agenda, please contact Corina Mavrodin, Program Coordinator for Florida's Art in State Buildings Program, Florida Atlantic University, 777 Glades Road, Bldg. 69, Room 104, Boca Raton, Florida 33431, (561)297-0541.

Should any person wish to appeal any decision made with respect to any matter considered at the above referenced meeting, he/she may need to ensure verbatim recording of the proceeding to provide a record for judicial review. This meeting will not be taped by the Florida's Art in State Buildings Program.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Corina Mavrodin at (561)297-0541. If you are hearing or speech impaired, please contact the agency by calling TT: 1(800)955-8770.

The **Duval County Research and Development Authority** announces a business meeting to which all interested persons are invited.

DATE AND TIME: September 12, 2007, 3:00 p.m. – 4:00 p.m.
PLACE: University of North Florida, University Center, 12000 Alumni Drive, Jacksonville, Florida 32224

GENERAL SUBJECT MATTER TO BE CONSIDERED: Business Meeting.

A copy of the meeting agenda may be obtained by contacting: Earle C. Traynham, Executive Director, Duval County Research and Development Authority, 1 UNF Drive, Jacksonville, Florida 32224-2645.

The **Florida School for the Deaf and the Blind**, Administrative Leadership Team has been commissioned by the Board of Trustees of the Florida School for the Deaf and the Blind to announce a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 7, 2007, 10:00 a.m.
PLACE: Center for Leadership Development, Moore Hall, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the recommendation of a person to serve as an interim President for the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by writing to: Elmer Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084-2799 or by calling (904)827-2200.

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 Elmer Dillingham, Florida School for the Deaf and the Blind. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida School for the Deaf and the Blind**, Board of Trustees announces a public meeting to which all persons are invited.

DATE AND TIME: Saturday, September 15, 2007, 9:00 a.m.
PLACE: CLD Room, Moore Hall, FSDB Campus, 207 N. San Marco Avenue, St. Augustine, FL 32084

GENERAL SUBJECT MATTER TO BE CONSIDERED: Matters pertaining to the Florida School for the Deaf and the Blind.

A copy of the agenda may be obtained by contacting: Elmer L. Dillingham, President, Florida School for the Deaf and the Blind, 207 N. San Marco Avenue, St. Augustine, FL 32084.

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 Elmer L. Dillingham. 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 LAW ENFORCEMENT

The Florida **Department of Law Enforcement**, Missing Children Information Clearinghouse, Advisory Board announces a public meeting to which all persons are invited.

QUARTERLY MCIC ADVISORY BOARD MEETING
DATE AND TIME: Monday, September 10, 2007, 12:00 Noon
PLACE: The New Capitol Building, 22nd Floor, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Missing Children Information Clearinghouse. A meeting, for the purpose of notice herein, is limited to a gathering for the purpose of conducting public business by members of a collegial body constituting the agency head.

A copy of the agenda may be obtained by writing to: Florida Department of Law Enforcement, Post Office Box 1489, Tallahassee, Florida 32302, Attention: Dinah Johnson.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: September 13, 2007, 8:30 a.m.

PLACE: Hawthorn Suites Lake Buena Vista, 8303 Palm Parkway, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

A copy of the agenda may be obtained by contacting: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

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 Christine Jones at (850)245-7914. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIME: Tuesday, September 25, 2007, 7:00 p.m.

PLACE: Parrish United Methodist Church, 12180 US 301 North, Parrish, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons an opportunity to express their views concerning the location, conceptual design, social, economic, and environmental effects of Financial Project ID: 198230-1-22-08, otherwise known as the US 301/Fort Hamer Road Intersection Safety Improvement Project Development and Environment (PD&E) Study. The proposed action consists of a safety improvement to the intersection of US 301 (SR 43) and Fort Hamer Road in Manatee County. The intersection improvement will require the realignment of Fort Hamer Road, which will consist of two 12-foot lanes with 10-foot shoulders

(5 feet paved) and ditches on both sides of the roadway. The project limits include US 301 from Red Rooster Road to Fort Hamer Road and Fort Hamer Road from Golf Course Road to US 301.

Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Chris Piazza at (863)519-2293 at least seven days before the hearing.

A copy of the hearing handout may be obtained by writing to: Chris Piazza, Project Manager, Florida Department of Transportation, Post Office Box 1249, Bartow, Florida 33831-1249.

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."

FLORIDA PAROLE COMMISSION

The **Florida Parole Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 19, 2007, 9:00 a.m.

PLACE: Florida Parole Commission, 2601 Blairstone 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, Bldg. C, 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.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a prehearing to be held in the following docket, to which all interested persons are invited.

Docket No. 050863-TP – Complaint by DPI-Teleconnect, L.L.C. against BellSouth Telecommunications, Inc. for dispute arising under interconnection agreement.

DATE AND TIME: September 18, 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 (1) the simplification of the issues; (2) the identification of the positions of the parties on the issues; (3) the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) the identification of the exhibits; (5) the establishment of an order of witnesses; and (6) such other matters as may aid in the disposition of the action.

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.

REGIONAL PLANNING COUNCILS

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 9:30 a.m.

PLACE: Bartow Public Library, 2150 South Broadway Avenue, Bartow, FL 33830

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly meeting of the Council and/or it's Executive Committee.

A copy of the agenda may be obtained by contacting Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, CFRPC Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **Central Florida Regional Planning Council**, Local Emergency Planning Committee announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 9:30 a.m.

PLACE: Okeechobee County Annex, 456 Highway 98 North, Okeechobee, FL 34972

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Bi-Monthly Meeting of the LEPC and/or its Sub-Committees, to discuss the provisions of the Emergency Planning and Community Right to Know programs.

A copy of the agenda may be obtained by contacting Chuck Carter, Program Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Chuck Carter, Program Director, CFRPC, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 107.

The **Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m.

PLACE: South Florida Community College, University Center Auditorium, 600 West College Drive, Avon Park, FL 33825

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the future changes for the interior counties known as the Heartland of Florida.

A copy of the agenda may be obtained by contacting Patricia M. Steed, Executive Director.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Patricia M. Steed, Executive Director, 555 East Church Street, Bartow, FL 33830, (863)534-7130, ext. 130.

The **Tampa Bay Local Emergency Planning Committee** (LEPC) District III, announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 26, 2007, 10:30 a.m.

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL 33782-6136

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Florida District VIII LEPC and discuss and implement provisions of the Emergency Planning and Community Right-to-Know Act (EPCRA).

A copy of the agenda may be obtained by contacting: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, Tampa, FL, (727)570-5151, ext. 33.

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: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, Tampa, FL, (727)570-5151, ext. 33. 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: Bill Lofgren, LEPC Coordinator, Tampa Bay Regional Planning Council, Tampa, FL, (727)570-5151, ext. 33.

The **Southwest Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 13, 2007, 10:00 a.m.
PLACE: Southwest Florida Regional Planning Council, 1st Floor Conference Room, 1926 Victoria Avenue, Fort Myers, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: SWFRPC Lower West Coast Watersheds Subcommittee to discuss various water quality issues throughout the Southwest Florida Region.

A copy of the agenda may be obtained by contacting: Mr. David Crawford, Senior Planner at (239)338-2550, #226 or email dcrawford@swfrpc.org.

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 Mr. David Crawford, Senior Planner at (239)338-2550, #226 or email dcrawford@swfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Mr. David Crawford, Senior Planner at (239)338-2550, #226 or email dcrawford@swfrpc.org.

The **Regional Business Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Blvd., Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Monthly Business meeting.

A copy of the agenda may be obtained by contacting Isabel Cosio Carballo at (954)985-4416 or isabelc@SFRPC.com.

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: Isabel Cosio Carballo at (954)985-4416 or isabelc@SFRPC.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Isabel Cosio Carballo at (954)985-4416 or isabelc@SFRPC.com.

The **Apalachee Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 13, 2007, 10:00 a.m. (Eastern Time), 9:00 a.m. (Central Time)

PLACE: Calhoun County Extension Office, 20816 East Central Avenue, Blountstown, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To hold a meeting of the Apalachee Regional Planning Council's Comprehensive Economic Development Strategy (CEDS) Guidance Committee.

The Comprehensive Economic Development Strategy Guidance Committee will review and take public comments on the final draft of the Comprehensive Economic Development Strategy (CEDS) for the Apalachee Region.

An agenda and copy of the CEDS is posted on the Council's website, www.theapc.com or may be obtained by writing: Apalachee Regional Planning Council, 20776 Central Avenue East, Blountstown, FL 32424 or calling (850)674-4571.

If any person desires to appeal any decision with respect to any matter considered at the above-cited meeting, such person will need a record of the proceedings. For such purpose, he/she will need to ensure that a verbatim record of the proceeding is made to include the testimony and evidence upon which the appeal is to be based.

If special accommodations at the meeting are required because of a disability or impairment, please contact Council Offices at (850)674-4571 prior to the meeting.

REGIONAL TRANSPORTATION AUTHORITIES

The **South Florida Regional Transportation Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 19, 2007, 10:00 a.m.

PLACE: Board Room of SFRTA's Administrative Offices, 800 N. W. 33rd Street, Pompano Beach, FL 33064

**GENERAL SUBJECT MATTER TO BE CONSIDERED:
PLANNING TECHNICAL ADVISORY COMMITTEE
MEETING.**

A copy of the agenda may be obtained by contacting SFRTA Planning Office at (954)788-7928.

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: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. 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 CORRECTIONS

The **Department of Corrections** announces a public meeting on Rule 33-602.220, F.A.C., Administrative Confinement, to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2007, 10:00 a.m.

PLACE: Department of Corrections Central Office, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

GENERAL SUBJECT MATTER TO BE CONSIDERED: Administrative Confinement proposed rule amendments.

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: Perri K. Dale, Department of Corrections, Central Office 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. 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: Perri K. Dale, Department of Corrections, Central Office 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

WATER MANAGEMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 13, 2007, 5:05 p.m. (CDT)

PLACE: DeFuniak Springs City Hall, 71 U.S. Highway 90 West (Intersection of U.S. Highway 90 West and U.S. Highway 331), DeFuniak Springs, Florida 32435

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Adoption of Proposed Millage Rate for fiscal year 2007-2008 and Consideration of Adoption of the District's fiscal year 2007-2008 tentative proposed budget.

A copy of the agenda may be obtained by contacting: Dorothy Cotton at (850)539-5999, by email dorothy.cotton@nwfwm.d.state.fl.us, or on the Internet www.nwfwm.d.state.fl.us.

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 72 hours before the workshop/meeting by contacting Larry Wright at the District. 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 **Suwannee River Water Management District** announces the following public meetings to which all interested persons are invited.

DATE AND TIME: September 11, 2007, 3:00 p.m.

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. To consider District business, and conduct public hearings on regulatory and land acquisition matters. Public hearing in accordance with Section 373.59, F.S., concerning the proposed acquisition of the John J. and Katherine C. Ewel Conservation Easement, 162 acres +/- located in Alachua County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Odessa Moses/Troy Spring Addition, 104 acres +/- located in Lafayette County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Hoyt L. and Betty Jo Ragans Conservation Easement, 790 acres +/- located in Jefferson and Madison Counties, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Brian Sganga/Little Shoals Addition, 1 acre +/-, located in Columbia County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Mike and Kim Jones Parcel, .56 acres +/-, located in the city of Jasper, Hamilton County, Florida, with funds from the Florida Forever Trust Fund; also the proposed acquisition of the Albert Levings, Jr. Parcel, 100 acres +/-, located in Columbia County with Funds from the Florida Forever Trust Fund. Public hearing is being held to offer interested persons the opportunity to provide comments concerning the annual revision and changes to the District's Florida Forever Work Plan.

DATE AND TIME: September 11, 2007, following the Board Meeting

PLACE: District Headquarters, 9225 CR 49, Live Oak, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: First Public Hearing on FY 2007-2008 budget and proposed millage rate.

A copy of the agenda(s) may be obtained by writing: Lisa M. Cheshire, Adm./Board Coordinator, SRWMD, 9225 CR 49, Live Oak, Florida 32060. A copy of the 2007 Florida Forever Work Plan may be obtained by writing Gwendolyn Lord, Administrative Assistant.

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

Persons with disabilities who need assistance in order to participate in this meeting may contact Lisa M. Cheshire, (386)362-1001 or 1(800)226-1066 (Florida only), at least two business days in advance to make appropriate arrangements.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 10, 2007, 4:00 p.m.

PLACE: Sumter County Courthouse, 209 North Florida Street, Bushnell, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: LAKE PANASOFFKEE RESTORATION COUNCIL MEETING: Consider Council business. Ad Order 46166

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. 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 SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 9:30 a.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: JOINT GOVERNING AND BASIN BOARDS STRATEGIC PLANNING WORKSHOP: Strategic Planning discussion. Ad Order 46166.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. 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 SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 5:01 p.m.

PLACE: SWFWMD Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD PUBLIC HEARING FOR TENTATIVE FISCAL YEAR 2008 BUDGET: Governing Board Public Hearing for Adoption of Tentative Millage Rates and Tentative Budget for Fiscal Year 2008. Ad Order 46166.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. 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 SWFWMD Executive Department at the address above.

The Southwest Florida Water Management District, Environmental Advisory Committee announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 1:00 p.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL 33637

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a regularly scheduled meeting of the Environmental Advisory Committee to discuss committee business and issues. A copy of the agenda may be obtained by contacting: SWFWMD, 2379 Broad Street, Brooksville, FL 34604-6899 or 1(800)423-1476 (FL only) or (352)796-7211, ext. 4400.

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 the General Services Department at 1(800)423-1476, ext. 4527, TDD only 1(800)231-6103. 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 Paula McCleery at the above address.

The South Florida Water Management District announces a private closed door attorney-client session.

DATE AND TIME: September 12, 2007, 9:00 a.m. – completion

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 13, 2007, 9:00 a.m. – completion

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2006), F.S., to discuss strategy related to litigation

expenditures in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 02-80309-CV-Altonaga/Turnoff; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, S. Estenoz, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, C. Kowalsky, R. Panse, J. Nutt.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the District Clerk's Office at (561)682-2087.

The South Florida Water Management District announces a private closed door attorney-client session.

DATE AND TIME: September 12, 2007, 9:00 a.m. – completion

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

DATE AND TIME: September 13, 2007, 9:00 a.m. – completion

PLACE: South Florida Water Management District Headquarters, Building B-1, Auditorium, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: Closed door attorney-client session pursuant to Section 286.011(8)(2006), F.S., to discuss strategy related to litigation expenditures in United States of America v. South Florida

Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. The subject matter shall be confined to the pending litigation. (All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members).

ATTENDEES: Governing Board Members E. Buermann, M. Collins, C. Dauray, N. Gutierrez, M. Meeker, P. Rooney, H. Thornton; Executive Director C. Wehle; District attorneys S. Wood, S. Echemendia, S. Nall, K. Burns, C. Kowalsky, R. Panse.

Pursuant to Florida Law, the entire attorney-client session shall be recorded by a certified court reporter. No portion of the session shall be off the record. A copy of the transcript will be made part of the public record at the conclusion of the litigation.

A copy of the agenda may be obtained by contacting the District Clerk's Office at (561)682-2087 or www.sfwmd.gov. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Project and Lands Committee Meeting

DATE AND TIME: September 12, 2007, 10:00 a.m.

Workshop

DATE AND TIME: September 12, 2007, 1:00 p.m.

Meeting

DATE AND TIME: September 13, 2007, 9:00 a.m.

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board to discuss and consider District business, including regulatory and non-regulatory matters and may include an amendment to the District's Fiscal Year 2007 budget to revise revenues and expenditures.

All or part of these meetings may be conducted as a teleconference in order to permit maximum participation by Governing Board members. Governing Board action may be

taken at the Governing Board Workshop or Meeting. If Workshop items are not discussed on 9/12, the items may be discussed on 9/13.

A copy of the agenda may be obtained by contacting Jacki McGorty, (561)682-2087, or at https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL.

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 District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, September 12, 2007, 5:15 p.m. – until complete

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive and consider public comment and vote on the tentative FY 07/08 millage rates and budget.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: (1) District Website www.sfwmd.gov/gover/GovBoard/webpage/agenda.html or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the District Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the District Clerk's Office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, September 25, 2007, 5:15 p.m. – until complete

PLACE: SFWMD Headquarters, Building B-1, 3301 Gun Club Road, West Palm Beach, Florida 33406

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public comment, vote on the final FY 07/08 millage rates and budget.

All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.

A copy of the agenda may be obtained by contacting: (1) District Website www.sfwmd.gov/gover/GovBoard/webpage/agenda.html or (2) by writing: South Florida Water Management District, Mail Stop 1130, P. O. Box 24680, West Palm Beach, FL 33416-4680.

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 Clerk's Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the District Clerk's Office at (561)682-2087.

DEPARTMENT OF ELDER AFFAIRS

The Florida **Department of Elder Affairs, Statewide Public Guardianship Office** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 18, 2007, 8:00 a.m. – 10:00 a.m.

PLACE: Callers within Tallahassee and outside of Tallahassee 1(888)808-6959, When prompted, enter Conference Code number 4142381 followed by #.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be a general business meeting of the Foundation for Indigent Guardianship, Inc.

A copy of the agenda may be obtained by contacting Ms. Frankie D. Leland at (850)414-2381.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Frankie D. Leland at (850)414-2381. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Senior Resource Alliance, the Area Agency on Aging of Central Florida, Inc.** (also known as the Aging and Disability Resource Center), announces that there will be a public hearing on the Area Plan on Aging 2008 to which all interested persons are invited.

DATE AND TIME: Friday, September 28, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: The Heart of Florida United Way Dr. Nelson Ying Center, 1940 Traylor Blvd., Orlando, FL 32804

For more information, directions, or special accommodations, please call (407)514-1800.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services** announces a public meeting of the Florida State Employee Wellness Council to which all interested persons are invited.

DATE AND TIME: September 28, 2007, 10:00 a.m. – 3:00 p.m.

PLACE: Vistakon, Deerwood Park Manufacturing Facility, 7500 Centurion Parkway, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council, as created by Section 110.123(13), Florida Statutes, is an advisory body to the department, created to provide health education information to employees and to assist the department in developing minimum benefits for all health care providers when providing age-based and gender-based wellness benefits.

A copy of the agenda may be obtained by contacting Laura Cutchen, Division of State Group Insurance at (850)921-4593.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/hearing/meeting is asked to advise the agency at least 48 hours before the workshop/hearing/meeting by contacting Laura Cutchen, (850)921-4593 or (850)921-4600.

The State of **Florida Retirement Commission** announces public hearings to which all persons are invited.

DATES AND TIME: September 10, 2007, 8:30 a.m.

PLACE: Embassy Suites, 1100 S. E. 17th Street, Ft. Lauderdale, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct hearings pursuant to Section 121.23, Florida Statutes, and to consider other matters related to the business of the Commission.

A copy of the Agenda may be obtained by writing: Department of Management Services, State Retirement Commission, 4050 Esplanade Way, Suite 160, Tallahassee, Florida 32399-0950 or by telephoning (850)487-2410.

A party who decides to appeal any decision made at such hearings will need a verbatim record of the hearing and may need to ensure that one is made, including the testimony and evidence, upon which the appeal is to be based.

Persons requiring accommodations because of a physical, visual, auditory, or speech impairment should contact the Commission Clerk at least ten days prior to the hearing. If you are hearing or speech impaired, call by using the Florida Relay Service, 1(800)955-8771 (TDD). Hearing rooms and facilities are wheelchair accessible.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Florida Mobile Home Relocation Corporation** announces a meeting of its Board of Directors. The board will consider mobile home applications for abandonment and relocation compensation due to evictions as a result of a change in land use.

DATE AND TIME: Friday, September 14, 2007, 9:00 a.m.

PLACE: Shady Lane Oaks, 15777 Bolesta Rd. Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official business of the Florida Mobile Home Relocation Corporation. Review of mobile home owner applications for compensation for relocation and/or abandonment due to change in land use, and such other business as may come before the board. A schedule for future meetings will be determined.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Janet Garrett at 1(888)862-7010.

Additional information may be obtained by contacting: Janet Garrett, Executive Director, FMHRC, P. O. Box 14125, Tallahassee, FL 32317-4125, 1(888)862-7010.

The **Board of Professional Surveyors and Mappers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 11, 2007, 10:00 a.m.

PLACE: The Call-In Number: 1(888)808-6959 and the Conference Code is 9225020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32312.

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: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32312. 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: Richard Morrison, Executive Director, 1940 North Monroe Street, Tallahassee, FL 32312.

The **Department of Business and Professional Regulation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 21, 2007, 9:00 a.m.

PLACE: Access Phone: 1(888)808-6959, Conference Code 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: Probable Cause Panel meeting portions which are closed to the public. Agenda available on request.

A copy of the agenda may be obtained by contacting: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399.

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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399. 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: Board of Veterinary Medicine, 1940 North Monroe Street, Tallahassee, FL 32399, (850)922-7154.

The **Florida Real Estate Appraisal Board** announces a telephone conference meeting to be held via a meet me number to which all persons are invited.

DATE AND TIME: Friday, September 7, 2007, 9:00 a.m. or the soonest thereafter

PLACE: Department of Business and Professional Regulation, Division of Real Estate, Room 901, Ninth Floor, North Tower, 400 West Robinson Street, Orlando, Florida, or teleconference number 1(888)808-6959, Conference Code # 3177171

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business of the Appraisal Board.

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.

A copy of the agenda may be obtained by writing to: Beverly Ridenauer, Government Analyst II, Florida Real Estate Appraisal Board, 400 W. Robinson Street, Suite N801, Orlando, Florida 32801-1772.

If a person decides to appeal a decision made by the Board, with respect to any matter considered at this meeting or hearing, a record of the proceedings for such purpose, upon which the appeal is based, may be required.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Business and Professional Regulation, (407)481-5632, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

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**, Office of Coastal and Aquatic Managed Areas announces a public meeting to which all persons are invited.

DATES AND TIMES: Tuesday, September 11, 2007, 1:00 p.m. – 5:00 p.m. or until business completed

PLACE: St. Johns River Water Management District, Room 136, Resource Management, Building 4, Area D, 4049 Reid Street, Palatka, FL 32177

DATE AND TIME: Wednesday, September 12, 2007, 8:00 a.m. – 3:00 p.m. or until business completed

PLACE: St. Johns River Water Management District, Governing Board Room, Building 1, Area C, 4049 Reid Street, Palatka, FL 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Water Resources Monitoring Council is meeting to pursue its charges to coordinate and standardize monitoring in Florida waters.

A copy of the agenda may be obtained by contacting Steve Wolfe at (850)245-2102 or Steven.Wolfe@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 Steve Wolfe at (850)245-2102 or Steven.Wolfe@dep.state.fl.us. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 1:00 p.m.

PLACE: Lake Sylvan Park, 845 Lake Markham Road, Sanford, FL 32771

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lake Jesup, Crane Strand, and Long Branch Basin Management Action Plan (BMAP) Working Group was formed to provide a forum for stakeholders to discuss issues related to the MSJ TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include continuing discussion of the Lake Jesup, Crane Strand, and Long Branch Basin Management Action Plan (BMAP).

A copy of the agenda may be obtained by contacting: Ms. Jennifer Gihring, 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)245-8418.

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. Jennifer Gihring, 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)245-8418. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Chiropractic Medicine**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 9:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida at meet me number 1(888)808-6959, when prompted enter conference code 9849329103, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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

The **Board of Clinical Laboratory Personnel** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, September 18, 2007, 10:30 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida at meet me number 1(888)808-6959, when prompted enter conference code of 9849329103, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/ClinLab/index.html.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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

The **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 19, 2007, 5:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2458182

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda item 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 Nursing** announces a hearing on Rule 64B9-15.009, F.A.C., Disciplinary Guidelines; Range of Penalties; Aggravating and Mitigating Circumstances, to which all persons are invited.

DATE AND TIME: October 10, 2007, 6:00 p.m.

PLACE: Hyatt Regency, 225 East Coast Line Drive, Jacksonville, FL 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Nursing hereby gives notice of a public hearing on the above-referenced rules to be held on October 10, 2007 at 6:00 p.m. at the Hyatt Regency, 225 East Coast Line Drive, Jacksonville, FL 32202. The rule was originally published in Vol. 33, No. 30 of the July 27, 2007 F.A.W.

A copy of the agenda may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

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

For more information, you may contact: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

The **Board of Nursing Home Administrators**, Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, September 27, 2007, 10:00 a.m.

PLACE: Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida at meet me number 1(888)808-6959, when prompted enter conference code 9849329103, then #

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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. If you

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

The **Board of Pharmacy** announces a public meeting to which all persons are invited.

DATES AND TIMES: October 16, 2007, 1:00 p.m.; October 17, 2007, 8:00 a.m.

PLACE: The Ramada Conference Center, 2900 N. Monroe Street, Tallahassee, FL 32303, (850)386-1027

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board will meet to conduct disciplinary proceedings and general board business.

A copy of the agenda may be obtained by contacting: Board of Pharmacy, 4052 Bald Cypress Way, C-04, Tallahassee, FL 32399 or (850)245-4292. The agenda will be available at www.doh.state.fl.us/mqa, one week prior to the meeting.

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 Podiatric Medicine**, Probable Cause Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, September 20, 2007, 4:00 p.m.

PLACE: The Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

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

The **Board of Podiatric Medicine** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 21, 2007, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: General board business.

A copy of the agenda may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Podiatric Medicine, 4052 Bald Cypress Way, Bin #C07, Tallahassee, FL 32399-3257 or accessing www.doh.state.fl.us/mqa/podiatry/index.html.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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. 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 CHILDREN AND FAMILY SERVICES

The **Osceola County Community Alliance** announces a public meeting to which all persons are invited.

DATE AND TIME: September 18, 2007, 11:30 a.m. – 1:00 p.m.

PLACE: 1 Courthouse Square, Room 2501, Kissimmee, FL 34741

GENERAL SUBJECT MATTER TO BE CONSIDERED: A public meeting.

A copy of the agenda may be obtained by contacting Stephanie_Weis@dcf.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 10 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).

The **Shared Services Alliance of Okeechobee and the Treasure Coast** of the **Department of Children and Family Services**, Circuit 19 announces the following public meeting to which all persons are invited.

Executive Committee

DATE AND TIME: September 12, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Children and Family Services, 337 North US Highway 1, Suite 335, Fort Pierce, Florida 34950

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, 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).

For more information, please contact: Linda Poston, Administrative Assistant II, 337 North US Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772)467-4177.

The **Shared Services Alliance of Okeechobee and the Treasure Coast** of the **Department of Children and Family Services**, Circuit 19 announces the following public meeting to which all persons are invited.

ALLIANCE MEETING

DATE AND TIME: September 28, 2007, 8:30 a.m. – 10:30 a.m.

PLACE: St. Lucie County Children's Services Council, 546 N. W. University Blvd., Suite 201, Port St. Lucie, FL 34986

For more information, please contact: Linda Poston, Administrative Assistant II, 337 North US Hwy. 1, Room 327C, Fort Pierce, Florida 34950, (772) 467-4177.

SPECIAL ACCOMMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact, Pearlie Clark, ADA Coordinator, (772)467-4184, 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).

NAVIGATION DISTRICTS

The **West Coast Inland Navigation District** announces the following Board of Commissioners meeting to which all interested parties are invited.

DATE AND TIME: Friday, September 7, 2007, 4:00 p.m.

PLACE: Venice City Hall, 401 West Venice Avenue, Venice, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Navigation District, with the First Public Hearing at 5:01 p.m. on the proposed budget for FY 2007/2008.

A copy of the agenda for this meeting may be obtained by writing: WCIND, P. O. Box 1845, Venice, FL 34284.

No verbatim record will be made of this meeting. Any person wishing to appeal decisions made at this meeting may need to ensure that a verbatim record is made.

FISH AND WILDLIFE CONSERVATION COMMISSION

The **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Boating and Waterways Section announces the following Boating Advisory Council public meeting to which all persons are invited.

DATE AND TIME: November 6, 2007, 9:00 a.m.

PLACE: Radisson Resort Orlando-Celebration, 2900 Parkway Boulevard, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Boating Advisory Council.

An agenda for the meeting may be obtained by contacting: Ms. Shelly Gurr, FWC, Division of Law Enforcement, Boating Advisory Council, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399-1600, (850)488-5600.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least five calendar days before the meeting by contacting ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

DEPARTMENT OF FINANCIAL SERVICES

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Disciplinary Rules Committee, to which all persons are invited.

DATE AND TIME: September 25, 2007, 9:00 a.m. – 11:00 a.m.

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

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 and Consumer Services (www.fldfs.com/FuneralCemetery). 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.

If a person decides to appeal any decision made by the Committee 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.

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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Rules Committee, to which all persons are invited.

DATE AND TIME: September 25, 2007, 11:00 a.m. – 1:00 p.m.

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Rules Committee Business.

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 and Consumer Services (www.fldfs.com/FuneralCemetery). 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.

If a person decides to appeal any decision made by the Committee 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.

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, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice), for assistance.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services** Emergency Preparedness Committee to which all persons are invited.

DATE AND TIME: September 25, 2007, 2:00 p.m. – 4:00 p.m.

PLACE: Department of Financial Services, Hartman Building, Suite 104J (Koger Center), 2012 Capital Circle, S. E., Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Committee Business.

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 and Consumer Services (www.fldfs.com/FuneralCemetery). 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.

If a person decides to appeal any decision made by the Committee 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.

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.

The **Department of Financial Services** announces a public meeting of the Florida **Board of Funeral, Cemetery and Consumer Services**, to which all persons are invited.

DATE AND TIME: October 10, 2007, 10:00 a.m. – 5:00 p.m.

PLACE: The Capitol, Senate Office Building, Room 401, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Board Business.

The above date relates to the next meeting of the Board of Funeral, Cemetery and Consumer Services. The public is advised to check with Department of Financial Services staff (Ms. LaTonya Bryant at (850)413-3039), before traveling to a scheduled meeting on the date above, to ascertain whether the meeting has been cancelled. Notice of such cancellations will be posted on the home page of the Division of Funeral, Cemetery and Consumer Services, which is on the website of the Department of Financial Services (www.fldfs.com), as soon as known.

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 and Consumer Services, on the website of the Dept of Financial Services (www.fldfs.com). A copy of the agenda may also be obtained by writing to: Dept 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.

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.

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.

FINANCIAL SERVICES COMMISSION

The Financial Services Commission, Office of Insurance Regulation announces a hearing on Rule 690-142.200, Military Sales (EX) WG, F.A.C., to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-142.200, Florida Administrative Code, published on July 6, 2007 in Vol. 33, No. 27, of the F.A.W., No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-142.200 Military Sales Practices.

(1) The purpose of this regulation is to set forth standards to protect active duty service members of the United States Armed Forces from dishonest and predatory insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair.

(2) Scope – This regulation shall apply only to the solicitation or sale of any life insurance or annuity product by an insurer to an active duty service member of the United States Armed Forces.

(3) Exemptions – This regulation shall not apply to solicitations or sales involving:

(a) Credit insurance;

(b) Group life insurance or group annuities where there is no in-person, face-to-face solicitation of individuals by an insurance producer or where the contract or certificate does not include a side fund;

(c) An application to the existing insurer that issued the existing policy or contract when a contractual change or a conversion privilege is being exercised; or, when the existing policy or contract is being replaced by the same insurer pursuant to a program filed with and approved by the commissioner; or, when a term conversion privilege is exercised among corporate affiliates;

(d) Individual stand-alone health policies, including disability income policies;

(e) Contracts offered by Servicemembers' Group Life Insurance (SGLI) or Veterans' Group Life Insurance (VGLI), as authorized by 38 U.S.C. Section 1965 et seq.;

(f) Life insurance contracts offered through or by a non-profit military association, qualifying under Section 501 (c) (23) of the Internal Revenue Code (IRC), and which are not underwritten by an insurer; or

(g) Contracts used to fund:

1. An employee pension or welfare benefit plan that is covered by the Employee Retirement and Income Security Act (ERISA);

2. A plan described by Sections 401(a), 401(k), 403(b), 408(k) or 408(p) of the IRC, as amended, if established or maintained by an employer;

3. A government or church plan defined in Section 414 of the IRC, a government or church welfare benefit plan, or a deferred compensation plan of a state or local government or tax exempt organization under Section 457 of the IRC;

4. A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

5. Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

6. Prearranged funeral contracts.

(h) Nothing herein shall be construed to abrogate the ability of nonprofit organizations (and/or other organizations) to educate members of the United States Armed Forces in accordance with Department of Defense DoD Instruction 1344.07 – PERSONAL COMMERCIAL SOLICITATION ON DOD INSTALLATIONS or successor directive.

(I) For purposes of this regulation, general advertisements, direct mail and internet marketing shall not constitute "solicitation." Telephone marketing shall not constitute "solicitation" provided the caller explicitly and conspicuously discloses that the product concerned is life insurance and makes no statements that avoid a clear and unequivocal statement that life insurance is the subject matter of the solicitation. Provided however, nothing in this subsection shall be construed to exempt an insurer from this regulation in any in-person, face-to-face meeting established as a result of the "solicitation" exemptions identified in this subsection.

(4) Definitions

(a) "Active Duty" means full-time duty in the active military service of the United States and includes members of the reserve component (National Guard and Reserve) while serving under published orders for active duty or full-time training or in a drill status in the National Guard or United States Armed Forces Reserve.

(b) "Department of Defense (DoD) Personnel" means all active duty service members and all civilian employees, including nonappropriated fund employees and special government employees, of the Department of Defense.

(c) "Door to Door" means a solicitation or sales method whereby an insurance producer proceeds randomly or selectively from household to household without prior specific appointment.

(d) "General Advertisement" means an advertisement having as its sole purpose the promotion of the reader's or viewer's interest in the concept of insurance, or the promotion of the insurer or the insurance producer.

(e) "Insurer" means an insurance company required to be licensed under the laws of this state to provide life insurance products, including annuities.

(f) "Insurance producer" means a person required to be licensed under the laws of this state to sell, solicit or negotiate life insurance, including annuities.

(g) "Known" or "Knowingly" means, depending on its use herein, the insurance producer or insurer had actual awareness, or in the exercise of ordinary care should have known, at the time of the act or practice complained of, that the person solicited is a service member.

(h) "Life Insurance" means insurance coverage on human lives including benefits of endowment and annuities, and may include benefits in the event of death or dismemberment by accident and benefits for disability income and unless otherwise specifically excluded, includes individually issued annuities.

(i) "Military Installation" means any federally owned, leased, or operated base, reservation, post, camp, building, or other facility to which service members are assigned for duty, including barracks, transient housing, and family quarters.

(j) "MyPay" is a Defense Finance and Accounting Service (DFAS) web-based system that enables service members to process certain discretionary pay transactions or provide updates to personal information data elements without using paper forms.

(k) "Service Member" means any active duty officer (commissioned and warrant) or enlisted member of the United States Armed Forces.

(l) "Side Fund" means a fund or reserve that is part of or otherwise attached to a life insurance policy (excluding individually issued annuities) by rider, endorsement or other mechanism which accumulates premium or deposits with interest or by other means. The term does not include:

1. Accumulated value or cash value or secondary guarantees provided by a universal life policy;

2. Cash values provided by a whole life policy which are subject to standard nonforfeiture law for life insurance; or

3. A premium deposit fund which:

a. Contains only premiums paid in advance which accumulate at interest;

b. Imposes no penalty for withdrawal;

c. Does not permit funding beyond future required premiums;

d. Is not marketed or intended as an investment; and

e. Does not carry a commission, either paid or calculated.

(m) "Specific Appointment" means a prearranged appointment agreed upon by both parties and definite as to place and time.

(n) "United States Armed Forces" means all components of the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(5) The following acts or practices when committed on a military installation by an insurer with respect to the in-person, face-to-face solicitation of life insurance are declared to be unfair or deceptive acts or practices by Section 626.9541 or 626.9551, F.S.:

(a) Knowingly soliciting the purchase of any life insurance product "door to door" or without first establishing a specific appointment for each meeting with the prospective purchaser.

(b) Soliciting service members in a group or "mass" audience or in a "captive" audience where attendance is not voluntary.

(c) Knowingly making appointments with or soliciting service members during their normally scheduled duty hours.

(d) Making appointments with or soliciting service members in barracks, day rooms, unit areas, or transient personnel housing or other areas where the installation commander has prohibited solicitation.

(e) Soliciting the sale of life insurance without first obtaining permission from the installation commander or the commander's designee.

(f) Posting unauthorized bulletins, notices or advertisements.

(g) Failing to present DD Form 2885, Personal Commercial Solicitation Evaluation, to service members solicited or encouraging service members solicited not to complete or submit a DD Form 2885.

(h) Knowingly accepting an application for life insurance or issuing a policy of life insurance on the life of an enlisted member of the United States Armed Forces without first obtaining for the insurer's files a completed copy of any required form which confirms that the applicant has received counseling or fulfilled any other similar requirement for the sale of life insurance established by regulations, directives or rules of the DoD or any branch of the Armed Forces.

(i) Using DoD personnel, directly or indirectly, as a representative or agent in any official or business capacity with or without compensation with respect to the solicitation or sale of life insurance to service members.

(j) Using an insurance producer to participate in any United States Armed Forces sponsored education or orientation program.

(6) The following acts or practices by an insurer constitute corrupt practices, improper influences or inducements and are declared to be unfair or deceptive acts or practices prohibited by Section 626.9541 or 626.9551, F.S., regardless of location:

(a) Submitting, processing or assisting in the submission or processing of any allotment form or similar device used by the United States Armed Forces to direct a service member's

pay to a third party for the purchase of life insurance. The foregoing includes, but is not limited to, using or assisting in using a service member's "MyPay" account or other similar internet or electronic medium for such purposes. This subsection does not prohibit assisting a service member by providing insurer or premium information necessary to complete any allotment form.

(b) Knowingly receiving funds from a service member for the payment of premium from a depository institution with which the service member has no formal banking relationship. For purposes of this section, a formal banking relationship is established when the depository institution:

1. Provides the service member a deposit agreement and periodic statements and makes the disclosures required by the Truth in Savings Act, 12 U.S.C. § 4301 et seq. and the regulations promulgated thereunder; and

2. Permits the service member to make deposits and withdrawals unrelated to the payment or processing of insurance premiums.

(c) Employing any device or method or entering into any agreement whereby funds received from a service member by allotment for the payment of insurance premiums are identified on the service member's Leave and Earnings Statement or equivalent or successor form as "Savings" or "Checking" and where the service member has no formal banking relationship as defined in subsection (6)(b).

(d) Entering into any agreement with a depository institution for the purpose of receiving funds from a service member whereby the depository institution, with or without compensation, agrees to accept direct deposits from a service member with whom it has no formal banking relationship.

(e) Using DoD personnel, directly or indirectly, as a representative or agent in any official or unofficial capacity with or without compensation with respect to the solicitation or sale of life insurance to service members, or to the family members of such personnel.

(f) Offering or giving anything of value, directly or indirectly, to DoD personnel to procure their assistance in encouraging, assisting or facilitating the solicitation or sale of life insurance to another service member.

(g) Knowingly offering or giving anything of value to a service member for his or her attendance to any event where an application for life insurance is solicited.

(h) Advising a service member to change his or her income tax withholding or State of legal residence for the sole purpose of increasing disposable income to purchase life insurance.

(i)1. Making any representation, or using any device, title, descriptive name or identifier that has the tendency or capacity to confuse or mislead a service member into believing that the insurer, insurance producer or product offered is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, the United States

Armed Forces, or any state or federal agency or government entity. Examples of prohibited insurance producer titles include, but are not limited to, "Battalion Insurance Counselor," "Unit Insurance Advisor," "Servicemen's Group Life Insurance Conversion Consultant" or "Veteran's Benefits Counselor."

2. Nothing herein shall be construed to prohibit a person from using a professional designation awarded after the successful completion of a course of instruction in the business of insurance by an accredited institution of higher learning. Such designations include, but are not limited to, Chartered Life Underwriter (CLU), Chartered Financial Consultant (ChFC), Certified Financial Planner (CFP), Master of Science In Financial Services (MSFS), or Masters of Science Financial Planning (MS).

(j) Soliciting the purchase of any life insurance product through the use of or in conjunction with any third party organization that promotes the welfare of or assists members of the United States Armed Forces in a manner that has the tendency or capacity to confuse or mislead a service member into believing that either the insurer, insurance producer or insurance product is affiliated, connected or associated with, endorsed, sponsored, sanctioned or recommended by the U.S. Government, or the United States Armed Forces.

(k) Using or describing the credited interest rate on a life insurance policy in a manner that implies that the credited interest rate is a net return on premium paid.

(l) Excluding individually issued annuities, misrepresenting the mortality costs of a life insurance product, including stating or implying that the product "costs nothing" or is "free."

(m) Making any representation regarding the availability, suitability, amount, cost, exclusions or limitations to coverage provided to a service member or dependents by SGLI or VGLI, which is false, misleading or deceptive.

(n) Making any representation regarding conversion requirements, including the costs of coverage, or exclusions or limitations to coverage of SGLI or VGLI to private insurers which is false, misleading or deceptive.

(o) Suggesting, recommending or encouraging a service member to cancel or terminate his or her SGLI policy or issuing a life insurance policy which replaces an existing SGLI policy unless the replacement shall take effect upon or after the service member's separation from the United States Armed Forces.

(p) Deploying, using or contracting for any lead generating materials designed exclusively for use with service members that do not clearly and conspicuously disclose that the recipient will be contacted by an insurance producer, if that is the case, for the purpose of soliciting the purchase of life insurance.

(q) Failing to disclose that a solicitation for the sale of life insurance will be made when establishing a specific appointment for an in-person, face-to-face meeting with a prospective purchaser.

(r) Excluding individually issued annuities, failing to clearly and conspicuously disclose the fact that the product being sold is life insurance.

(s) Failing to make, at the time of sale or offer to an individual known to be a service member, the written disclosures required by Section 10 of the "Military Personnel Financial Services Protection Act," Pub. L. No. 109-290, p.16.

(t) Excluding individually issued annuities, when the sale is conducted in-person face-to-face with an individual known to be a service member, failing to provide the applicant at the time the application is taken:

1. An explanation of any free look period with instructions on how to cancel if a policy is issued; and

2. Either a copy of the application or a written disclosure. The copy of the application or the written disclosure shall clearly and concisely set out the type of life insurance, the death benefit applied for and its expected first year cost. A basic illustration that meets the requirements of Section 626.99, F.S. shall be deemed sufficient to meet this requirement for a written disclosure.

(u) Excluding individually issued annuities, recommending the purchase of any life insurance product which includes a side fund to a service member unless the insurer has reasonable grounds for believing that the life insurance death benefit, standing alone, is suitable.

(v) Offering for sale or selling a life insurance product which includes a side fund to a service member who is currently enrolled in SGLI, is presumed unsuitable unless, after the completion of a needs assessment, the insurer demonstrates that the applicant's SGLI death benefit, together with any other military survivor benefits, savings and investments, survivor income, and other life insurance are insufficient to meet the applicant's insurable needs for life insurance.

1. "Insurable needs" are the risks associated with premature death taking into consideration the financial obligations and immediate and future cash needs of the applicant's estate and/or survivors or dependents.

2. "Other military survivor benefits" include, but are not limited to: the Death Gratuity, Funeral Reimbursement, Transition Assistance, Survivor and Dependents' Educational Assistance, Dependency and Indemnity Compensation, TRICARE Healthcare benefits, Survivor Housing Benefits and Allowances, Federal Income Tax Forgiveness, and Social Security Survivor Benefits.

(w) Excluding individually issued annuities, offering for sale or selling any life insurance contract which includes a side fund:

1. Unless interest credited accrues from the date of deposit to the date of withdrawal and permits withdrawals without limit or penalty;

2. Unless the applicant has been provided with a schedule of effective rates of return based upon cash flows of the combined product. For this disclosure, the effective rate of return will consider all premiums and cash contributions made by the policyholder and all cash accumulations and cash surrender values available to the policyholder in addition to life insurance coverage. This schedule will be provided for at least each policy year from one (1) to ten (10) and for every fifth policy year thereafter ending at age 100, policy maturity or final expiration; and

3. Which by default diverts or transfers funds accumulated in the side fund to pay, reduce or offset any premiums due.

(x) Excluding individually issued annuities, offering for sale or selling any life insurance contract which after considering all policy benefits, including but not limited to endowment, return of premium or persistency, does not comply with standard nonforfeiture law for life insurance.

(y) Selling any life insurance product to an individual known to be a service member that excludes coverage if the insured's death is related to war, declared or undeclared, or any act related to military service except for an accidental death coverage, e.g., double indemnity, which may be excluded.

Specific Authority 626.308(1), 626.9541(1), 626.6911 FS. Law Implemented 626.307(1), 626.951, 626.9521, 626.9541(1), 626.9611 FS. History--New _____.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

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 Sam Binnun, Office of Insurance Regulation, e-mail sam.binnun@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Sam Binnun, Office of Insurance Regulation, e-mail sam.binnun@fldfs.com.

The Financial Services Commission, Office of Insurance Regulation announces a hearing on Rule 690-203.202, Standards for Discount Medical Plans, F.A.C., to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

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

GENERAL SUBJECT MATTER TO BE CONSIDERED:
 This is the Final Public Hearing on the adoption of proposed amendments to Rule 69O-203.202, Florida Administrative Code, published on May 4, 2007 in Vol. 33, No. 18, of the F.A.W. A notice of change was published on July 20, 2007 in Vol. 33, No. 29.

THE FULL TEXT OF THE PROPOSED RULE IS:

69O-203.202 Standards for Discount Medical Plans.

(1) through (2) No change.

(3)(a) All charges to members must be filed with the Office, and the Office must approve any periodic charge exceeding \$30.00 per month, or \$50.00 per month as provided by paragraph 69O-203.204(1)(b), F.A.C., for the contract issued and not per member covered on the contract, before the periodic charges can be used. Periodic charges approved pursuant to this paragraph must remain in compliance with this paragraph. Consequently, subsequent to the initial approval, the periodic charges remain subject to review by the Office to ensure continued compliance.

(b) In a filing made pursuant to paragraph (a) above, the discount medical plan organization has the burden of proof that the periodic charges bear a reasonable relationship to the benefits received by the member. If the discount medical plan organization uses member savings as the basis of demonstrating the benefits received by the member, the benefits shall be benefits and savings that can be reasonably anticipated by an average Floridian who may purchase such contract.

(c) A discount medical plan organization may, at its option, make a filing that meets one of the following standards that have been determined to meet the requirement of paragraph (b) above:

1. The discount medical plan organization provides financial information to demonstrate that at least sixty percent (60%) of the periodic charge is used to pay the costs associated with providing access to discount medical services, excluding any administrative costs, commissions and profits; or

2. The discount medical plan organization provides financial information to demonstrate that the plan's periodic charge does not exceed sixty percent (60%) of the actual benefit of the discounted services to members, measured as the actual savings realized by members, i.e., provider billed charges without the discount less the discounted provider charges paid by the member. These values shall be measured in the aggregate for all members and all actual services utilized over a period of twelve months with experience from at least 2,000 members; or

3. The discount medical plan organization provides specific financial information to demonstrate that at least seventy-five percent (75%) of the periodic charge is used to

pay the costs associated with providing access to discount medical services, member support services and administrative costs excluding commissions and profits.

Specific Authority 636.232 FS. Law Implemented 636.216 FS. History—New 4-7-05, Amended_____.

69O-203.204 Filing, Approval of DMPO Plans, Rates and Related Forms.

(1) The DMPO shall file all charges with the Office and shall file for approval by the Office each of the following before use:

(a) No change.

(b)1. Any periodic charge for any Plan that is in excess of \$50.00 ~~\$30.00~~ per month, if the plan includes at least the following services: physician services licensed under Chapter 458 or 459, F.S., dental services, vision services, chiropractic services, and podiatric services, but does not include hospital services.

2. Any periodic charge for any other Plan, whether the Plan includes one or more services, that is in excess of \$30.00 per month.

(2) Free Plans. The Plan contracts and charges of a Plan that is purchased from a DMPO and subsequently provided at no charge to individuals by an insurer, bank, credit union, or employer are exempt from paragraphs 69O-203.202(1)(e) & (f), F.A.C.

(3)(2) All filings shall be submitted to the Office electronically to <https://portal.fldfs.com>.

(4)(3) A filing shall consist of the following items:

(a) through (e) No change.

Specific Authority 636.232 FS. Law Implemented 624.424(1)(c), 636.208, 636.216 FS. History—New 4-7-05, Amended 5-4-06, Amended_____.

69O-203.205 Bundled Products.

(1) The provisions of Section 636.230, F.S., recognize that the discount medical plan may be combined together with other products. When a bundled product is sold, the DMPO must provide the charges attributable to the discount medical plan component in writing to the member if the total monthly charges for the bundled product exceed the limits of \$30.00 or \$50.00 as provided in paragraph 69O-203.204(1)(b), F.A.C. Any filing of a bundled product made pursuant to Rule 69O-203.204, F.A.C., shall clearly identify the discount medical plan component separately from each other component.

(2) No change.

(3) When the bundled product contains insurance or other products subject to regulation and approval by the Office, a DMPO may submit for approval a combined application. Each product that is involved in the sale of the bundled product,

combined application, and the charges relating to each component of the bundled product must be filed in accordance with the laws and regulations applicable to each component.

Specific Authority 636.232 FS. Law Implemented 636.230 FS. History—New 5-4-06, Amended_____.

A copy of the agenda may be obtained by contacting: The Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

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 Tracie Lambright at e-mail: Tracie.Lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Tracie Lambright at e-mail: Tracie.Lambright@fldfs.com.

The **Financial Services Commission**, Office of Insurance Regulation announces a hearing on Rule 690-125.003, F.A.C., Unfair Discrimination Because of Travel Plans, to which all persons are invited.

DATE AND TIME: September 19, 2007, 9:00 a.m., during a regular meeting of the Financial Services Commission

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

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-125.003, Florida Administrative Code, published on June 15, 2007 in Vol. 33, No. 24, of the F.A.W., No notice of change was published.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-125.003 Unfair Discrimination Because of Travel Plans.

(1) No insurer nor person authorized to engage in the business of insurance in the State of Florida shall refuse to issue or refuse to continue any policy, contract or certificate of insurance of any individual, or limit the amount, extent or kind of insurance coverage offered to an individual, any policy, contract or certificate of life insurance, annuity contract, an accident, disability or health insurance policy or certificate, because of the intent of the applicant to engage in future lawful foreign travel or based upon past lawful foreign travel, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(2) No insurer nor person authorized to engage in the business of insurance in the State of Florida, shall, in determining the rates charged an applicant for coverage under any policy, contract or certificate of life insurance, annuity contract, accident, disability or health insurance, issued or to be issued to be delivered to any resident of this state, consider the intent of the applicant to engage in future lawful foreign travel or past lawful travel of the applicant, unless the insurer can demonstrate that insureds who have traveled or intend to travel are a separate actuarially supportable class whose risk of loss is different from those insureds who have not traveled and do not intend to travel.

(3) No insurer nor person authorized to engage in the business of insurance in the State of Florida shall refuse to issue any policy, contract or certificate of life insurance to or refuse to continue any policy, contract or certificate of life insurance of any individual or limit the amount, extent or kind of life insurance coverage offered to an individual based solely on the individual's past lawful foreign travel. Violation of this rule constitutes unfair discrimination prohibited by Section 626.9541(1)(g), F.S.

(4) No insurer nor person authorized to engage in the business of insurance in the State of Florida shall refuse to issue any policy, contract or certificate of life insurance to or refuse to continue any policy, contract or certificate of life insurance of an individual, or limit the amount, extent or kind of life insurance coverage offered an individual based solely on the individual's future lawful foreign travel plans unless the insurer can demonstrate that individuals who travel are a separate actuarially supportable class whose mortality risk is different from that of individuals who do not travel, and that such risk classification is based on sound actuarial principles and actual or reasonably anticipated experience that correlates to the risk of travel to a specific destination.

(5) An insurer shall file for approval information demonstrating that individuals who travel to a specific destination constitute a separate actuarially supportable class. The insurer shall not utilize such information within any underwriting decision resulting in a refusal to issue, refusal to continue, limitation on amount, extent or kind of life insurance coverage available to an individual until the Office has first approved the filing and determined that the insurer has demonstrated that the underwriting proposed meets compliance with the standards of Section 626.9541(1)(dd), F.S. Nothing in this rule prevents an insurer from asking questions about foreign travel on an application in order to compile information provided such information is not used in any underwriting decision unless the insurer has received prior approval from the Office.

(6) In determining individuals who travel are a separate actuarially supportable class whose risk of loss is different from those individuals who do not travel based on sound

actuarial principles and actual or reasonably anticipated experience that correlates to the risk of travel to a specific destination, insurers shall:

(a) Have performed a detailed actuarial analysis detailing the specific impact of the proposed risk;

(b) Demonstrate that all similar risks with similar risk exposure are similarly treated and that the risk is outside of the underwriting parameters that the insurer is accepting for its maximum rated risks;

(c) Use statistically credible data that is specific and relevant to the analysis and risk being evaluated, that is, using a country population death rate is not relevant to the analysis of the risk of short-term travel. In the absence of actual experience, an actuary may submit for the Office's consideration clear actuarial evidence, including clinical experience or expert opinion relied upon by the actuary that demonstrates to the Office that differences in risk are related to the travel;

(d) Disclose the range of underwriting and rating options and how each is supported by the analysis;

(e) Maintain a report prepared by the actuary providing the information used and relied upon by the actuary in preparing his conclusions, including but not limited to: summarizing the source, basis and relevancy of data used, the impact of the risk on expected loss, the range of expected loss within the underwriting class and how the proposed travel risk falls inside or outside of such underwriting range, the analysis performed and the basis of any conclusions reached. Such report shall disclose how compliance with all appropriate actuarial standards of practice is met and specifically detail any standards that are not.

(7) In accordance with Section 626.9541(1)(dd)3., F.S., an insurer may file a petition for a variance or waiver with the Office for a limited exception from the statute and this rule. The petition shall contain supporting information demonstrating that the requested limited exception(s) are based upon national or international emergency conditions that affect the public health, safety, and welfare and are consistent with public policy.

(8)(a) Insurers are required to maintain the following data. The data for each calendar year shall be submitted to the Office annually by January 31 of the following year:

1. The number of applications under which a policy or certificate of life insurance or an annuity contract was denied;

2. The number of applications under which a policy or certificate of life insurance or an annuity contract's continuation was refused; and

3. The number of applications under which a policy or certificate of life insurance or an annuity contract's coverage was limited.

(b) For each specific case, the insurer shall provide the reason for taking such action.

(c) For each case the insurer shall provide a brief summary, prepared by an actuary, of the supporting data and analysis used in taking such action for such specific destination. Such underlying data and analysis shall be available upon request of the Office.

(9)(a) Violation of this rule constitutes unfair discrimination prohibited by Sections 626.9541(1)(g) and (dd), F.S.

(b) An insurer that uses past travel or future lawful travel in underwriting decisions without having first filed and received approval of the Office shall, among other administrative penalties:

1. Provide restitution to all applicants or insureds that were negatively acted upon by the insurer;

2. Issue the coverage applied for which was rejected, subject to the applicants option of the effective date being the date of application or the current date; and

3. Pay any valid claim of an applicant incurred subsequent to the initial application date.

(10) "Travel" shall not include "residency" or relocation for employment. An individual who is absent from the United States for more than one hundred eighty [180] consecutive days and has established a residence in a foreign country during that period is considered to be residing in that country. Residency in a foreign country is not considered "foreign travel" for purposes of this Rule.

Specific Authority 626.9541(1)(dd)3., 626.9611 FS. Law Implemented 626.951, 626.9521, 626.9541(1)(g), (dd) FS. History—New 7-6-06, Amended _____.

A copy of the agenda may be obtained by contacting the Governor and Cabinet Website at <http://www.myflorida.com/myflorida/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

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: Tracie Lambright at e-mail tracie.lambright@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Tracie Lambright at e-mail tracie.lambright@fldfs.com.

The Financial Services Commission, Office of Insurance Regulation announces a hearing to which all persons are invited.

DATE AND TIME: September 10, 2007, 9:30 a.m.

PLACE: 301 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Fire and Casualty Company (“State Farm Fire and Casualty”) is to appear and testify regarding its underwriting practices, New Business Rule, Non-renewal Rule, Non-renewals, and the impact these decisions have had on State Farm Fire and Casualty’s rate filings and State Farm Fire and Casualty’s relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 10, 2007, 9:30 a.m.

PLACE: 301 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Mutual Automobile Insurance Company (“State Farm Mutual”) is to appear and testify regarding its Non-renewal Rules, New Business Rules, Multi-line Policy Discounts, and State Farm Mutual’s relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

A copy of the agenda may be obtained by contacting: Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

The **Financial Services Commission, Office of Insurance Regulation** announces a hearing to which all persons are invited.

DATE AND TIME: September 10, 2007, 9:30 a.m.

PLACE: 301 Senate Office Building, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: State Farm Florida Insurance Company (“State Farm”) is to appear and testify regarding its underwriting practices, New Business Rule, Non-renewal Rule, Non-renewals, decision to withdraw from the Condominium Association Line of Business, and the impact these decisions have had on State Farm’s rate filings and State Farm’s relationship to insurance rating and trade associations.

Florida law allows the Office of Insurance Regulation to hold a hearing for any purpose within the scope of the Insurance Code deemed to be necessary.

A copy of the agenda may be obtained by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Sam Coskey at (850)413-2616 or e-mail him at sam.coskey@fldfs.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Rhoda K. Johnson, Esquire at (850)413-4220 or Sam Coskey at (850)413-2616.

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: Wednesday, September 5, 2007, 12:00 Noon (EST)

PLACE: CALL IN INSTRUCTIONS: Step 1: Dial the Conference Access Number: 1(866)200-9760, Step 2: Enter the PIN Code: 8938936#

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Patient Safety Corporation Nominating Committee.

For further information, please contact Susan Moore at susan.a.moore@comcast.net or write to: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312.

VOLUNTEER FLORIDA

Volunteer Florida, The Governor’s Commission on Volunteerism and Community Service is pleased to announce a meeting (via conference call) to which all persons are invited.

DATE AND TIME: Friday, September 7, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Please contact Kristin Mullikin at (850)414-0092 for conference call in information. Please note that the date and time is subject to change.

If you require a reasonable accommodation to participate, Voice/TTY, please advise 72 hours in advance with your request.

Volunteer Florida, the Governor’s Commission on Volunteerism and Community Service is pleased to announce a meeting (via conference call) to which all persons are invited.

DATE AND TIME: Monday, September 17, 2007, 8:00 a.m. – 5:00 p.m.

PLACE: Please contact Kristin Mullikin at (850)414-0092 for conference call in information. Please note that the date and time is subject to change.

If you require a reasonable accommodation to participate, Voice/TTY, please advise 72 hours in advance with your request.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces a FAJUA Operating Committee public teleconference to which all persons are invited.

Operating Committee Meeting

DATE AND TIME: Tuesday, September 11, 2007, TBA

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review proposed changes in the FAJUA Underwriting Manual for recommendation to the Board of Governors.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive East, #201A, Tallahassee, FL, (850)681-2003, stoutamire@fajua.org.

FLORIDA WORKERS’ COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **FWCJUA** announces a joint and concurrent meeting of the Board of Governors, Audit Committee, Rates and Forms Committee, Operations Committee, Reinsurance Committee, MAP Committee, and Investment Committee to which all interested parties are invited to attend.

DATE AND TIME: September 11, 2007, 8:30 a.m.

PLACE: FWCJUA Office, 6003 Honore Avenue, Suite 204, Sarasota, FL 34238 (Please enter through Suite 203)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda topics for the meeting include Approval of Minutes, Board Appointment Process; Election of Vice Chair and Officers; Plan of Operation, to include a proposed Constitution and the Seventh Amended Bylaws; Legal Services – In House vs. Outside; Selection/Appointment of Financial Auditor; Audit Committee Charter Checklist; Code of Business Conduct and Ethics; Statement of Policy Regarding Potential Conflicts of Interest; Procurement Procedures; Updates on June 30, 2007 Audit and Federal Tax Exemption Filing; 1/1/2007 Rate Indication; Optional Payroll Service with Premium Withholding Program; Combination of Legal Entities, Locations and Operations; 2008 Business Plan and Forecast Preliminary Outline; Disaster Recovery and Emergency Preparedness Plan; Document Management System and Document Retention Policy; 2007 Reinsurance Program Goals and Market Strategy; MAP Annual Review; Investment Strategy; Report on Operations; and Financial Report.

A copy of the agenda may be obtained from the FWCJUA’s website, www.fwcjua.com or by contacting Kathy Coyne at (941)378-7408.

FLORIDA CLERKS OF COURT OPERATIONS CORPORATION

The **Clerks of Court Operations Corporation** announces a business meeting to which all persons are invited to attend.

DATE AND TIME: Tuesday, September 11, 2007, 1:00 p.m.

PLACE: Beach Room, Sheraton Sand Key, Clearwater, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and certification of 07-08 Budgets, Clerk Cost Study Report, and other related issues.

Information regarding the meeting may be obtained by contacting John Dew, Florida CCOC at (850)386-2223 or by visiting the CCOC website at www.flccoc.org.

FLORIDA INDEPENDENT LIVING COUNCIL, INC.

The **Florida Independent Living Council, Inc.** announces a public meeting to which all persons are invited.

Point Persons Committee Meeting

DATE AND TIME: MEETING: Wednesday, September 12, 2007, 10:30 a.m. (EST)

PLACE: FILC, Inc. Administrative Offices, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271

MEETING: GRF Steering Committee Meeting

DATE AND TIME: Wednesday, October 17, 2007, 2:00 p.m. (EST)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the council.

COMMITTEE AND TASK FORCE MEETINGS: Please note that committees and task forces of the Florida Independent Living Council will meet at various times throughout the year to carry out the work of the council; the meeting dates and times will be posted at the above address at least seven days prior to the meeting. Persons who want to be notified of such meetings may request to be put on the mailing list for such notices by writing to Molly Gosline at the council address.

A copy of the agenda may be obtained by contacting: Florida Independent Living Council, 1018 Thomasville Road, Suite 100A, Tallahassee, Florida 32303-6271, (850)488-5624 or Toll Free 1(877)822-1993.

Notices of meetings and hearing must advise that a record is required to appeal. Each board, commission or agency of this state or of any political subdivision thereof shall include in the notice of any meeting or hearing, if notice of the meeting or hearing is required, of such board, commission or agency, conspicuously on such notice, the advice that, if a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. (Florida Statutes, §286.0105).

Any person who needs an accommodation to participate in this meeting because of a disability, including alternative formats, should submit a request for such accommodation in writing at least one week before the meeting date.

SOIL AND WATER CONSERVATION DISTRICTS

The **Duval Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 10:00 a.m.

PLACE: Duval Agricultural Extension Center, 1010 N. McDuff Avenue, Jacksonville, FL 32254

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the business of the District Board.

A copy of the agenda may be obtained by contacting Diane Thomas at (904)266-0088, ext. 3 or by e-mail: diane.thomas@fl.nacdnet.net or fax (904)266-4858.

The **Orange Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: September 12, 2007, 4:00 p.m.

PLACE: Orange County Administration Building, 201 South Rosalind Avenue, Orlando, FL 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business of the district, Regular Monthly Meeting.

A copy of the agenda may be obtained by contacting: Lynne Pare' at (407)254-9844 or Tim Adams at giftsearch10@aol.com.

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.

AREA AGENCY ON AGING OF PASCO-PINELLAS, INC.

The **Area Agency on Aging of Pasco-Pinellas, Inc. (AAAPP)** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, September 17, 2007, 9:30 a.m.

PLACE: Area Agency on Aging of Pasco-Pinellas, Inc., Life Care Center of New Port Richey, 7400 Trouble Creek Road, New Port Richey, FL 33702 (Please call to confirm date, time and location)

GENERAL SUBJECT MATTER TO BE CONSIDERED: Area Agency on Aging of Pasco-Pinellas, Inc. Board Meetings. Please note that if a person decides to appeal any decision made by AAAPP Board with respect to any matter considered at the above cited meeting or hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

FLORIDA PORTS COUNCIL

The **Florida Ports Financing Commission**, Underwriters Selection Team announces a telephone conference call to which all persons are invited.

DATE AND TIME: September 17, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Toll Free Call-In Number 1(877)540-9892, Participant Code 833035

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

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 24 hours before the workshop/meeting by contacting: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028. 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: Toy Keller, Florida Ports Council, 502 E. Jefferson Street, Tallahassee, FL 32301, (850)222-8028.

CITIZENS PROPERTY INSURANCE CORPORATION

Citizens Property Insurance Corporation announces a Finance and Investment Committee Meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, September 19, 2007, 4:30 p.m. (EDT)

PLACE: Double Tree Hotel, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, Investment Reports and other New Business. For additional information, please call Jill Booker at 1(800)807-7647, extension 8287.

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 Jill Booker at least five days prior to the meeting.

SUNSHINE STATE ONE CALL OF FLORIDA, INC.

The **Sunshine State One Call of Florida, Inc.** (SSOCOF) announces its Board and Committee meetings to which all interested persons are invited. Dress is business casual.

PLACE: SSOCOF Call Center, 11 Plantation Road, DeBary, FL 32713

Committee Meetings

DATE AND TIMES: September 20, 2007

- 8:00 a.m. Operations Committee – Jake Swaninger
Call Center Statistics
Attrition Report
Review Positive Response Codes
Review Long Range Goals and Open Discussion
- 10:00 a.m. Break
- 10:15 a.m. Damage Prevention Committee – Lynn Irvin
Noncompliance Statistics
Customer Satisfaction Survey Results
Agreement with Pro Angler Captain Jason Keating
IRTH Awareness System Update
Florida Virtual Private DIRT Update
Review Long Range Goals and Open Discussion
- 12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 p.m. Finance Committee – Harold Concepcion
FY 2006/07 Audit Report McDermitt Davis
FY 2007/08 Financial Reports
Delinquent Accounts Report
Contracts Approved Report
Verizon 811 Bill Dispute
Review Long Range Goals and Open Discussion
- 2:30 p.m. Break

- 2:45 p.m. Legislative Ad Hoc Committee – Patrick Foster
Agreement with Lobbyist Michael Moore
Review Potential Amendments to Chapter 556
- 4:00 p.m. Enforcement Ad Hoc Committee – Lorenzo Jones
- 5:00 p.m. Adjourn

Note: All committees should be prepared to commence if the previous committee finishes before allotted time. If a committee needs additional time, that time will be allotted after the last scheduled committee has met.

Board Meeting

DATE AND TIMES: September 21, 2007

- 8:00 a.m. Secretary’s Report – Lorenzo Jones
- 8:15 a.m. Consent Agenda – Ed Misicka
- 8:45 a.m. Executive Director’s Report – Mark Sweet, Executive Director
- 9:00 a.m. Trip Reports
- 9:15 a.m. Legal Report – Dave Erwin, General Counsel
- 9:45 a.m. Break
- 10:00 a.m. Committee Reports
Operations Committee – Jake Swaninger
Damage Prevention Committee – Lynn Irvin
Finance Committee – Harold Concepcion
Legislative Ad Hoc Committee – Patrick Foster
Enforcement Ad Hoc Committee – Lorenzo Jones
- 12:00 Noon Lunch – provided at call center for meeting participants and SSOCOF employees
- 1:00 p.m. Resume Committee Reports
- 2:45 p.m. 2008 Strategic Planning Meetings Location Discussion
- 3:00 p.m. Break
- 3:15 p.m. Open Discussion
- 4:00 p.m. Problem Resolution
- 5:00 p.m. Adjourn

Attention: Please deliver this to the primary contact for Sunshine State One-Call of Florida and/or someone who plays an active role in underground facility damage prevention. Persons requiring some accommodation at this meeting because of a physical impairment should call the One-Call Notification Center, (386)575-2000 at least five calendar days prior to the activity. Any person who is hearing or speech impaired should contact the one-call notification center through the Florida Relay Center at 1(800)955-8771.

FLORIDA NETWORK OF YOUTH AND FAMILY SERVICES, INC.

The **Florida Network of Youth and Family Services, Inc.** and current Board of Directors announces a statewide conference call to which all persons are invited.

DATE AND TIME: Monday, September 24, 2007, 1:30 p.m. (EDT)

PLACE: Conference Call Number: 1(888)808-6959, Passcode 9224324

GENERAL SUBJECT MATTER TO BE CONSIDERED: Review and discussion of proposed revision of by-laws for the Florida Network of Youth and Family Services, Inc.

A copy of the proposed by-laws may be requested in writing to: Brenda Barksdale, 2850 Pablo Avenue, Tallahassee, FL 32308.

H. LEE MOFFITT CANCER CENTER AND RESEARCH AUTHORITY

The Florida Cancer Control and Research Advisory Council announces a workshop to which all persons are invited.

DATE AND TIME: October 8, 2007, 11:00 a.m. – 3:00 p.m.

PLACE: Tampa Airport Marriott, Tampa, FL

A copy of the agenda may be obtained by contacting Sue Middleton at (813)745-1339.

**Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements**

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has declined to rule on the petition for declaratory statement filed by Island Towers Association, Inc. Docket No. 2007037198 on June 20, 2007. The following is a summary of the agency's declination of the petition:

The Division has issued an Order Denying the Petition for Declaratory Statement because the disputed vote in the petition has already occurred. Furthermore, this matter is a dispute over the interpretation of the declaration rather than the application of an agency statute, rule or order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: 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.

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 declined to rule on the petition for declaratory statement filed by Oaklee Grove Condominium Association, Inc. Docket No. 2007034149 on June 5, 2007. The following is a summary of the agency's declination of the petition:

The Division has issued an Order Denying the Petition for Declaratory Statement because Oaklee Grove did not seek a declaratory statement on a specific statutory provision, agency rule or agency order.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: 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.

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 declined to rule on the petition for declaratory statement filed by The Sanctuary at Blue Heron Association. Docket No. 2007034667 on June 7, 2007. The following is a summary of the agency's declination of the petition:

The Division has issued an Order Denying the Petition for Declaratory Statement because a second review of a previously issued declaratory statement on a specific issue is not permissible.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: 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.

NOTICE IS HEREBY GIVEN THAT Construction Industry Licensing Board has received the petition for declaratory statement from Brian Matejcek. The petition seeks the agency's opinion as to the applicability of Sections 489.105 and 489.113, F.S. and subsection 61G4-12.011(4), F.A.C., as it applies to the petitioner.

The Construction Industry Licensing Board hereby gives notice that on July 17, 2007, it received a Petition for Declaratory Statement filed by Brian Matejcek, Project Manager of the Utilities Construction Division in Orlando, Florida. The petition seeks the Board's interpretation of certain definitions in Sections 489.105 and 489.113, Florida Statutes and subsection 61G4-12.011(4), F.A.C., specifically with

respect to the scope of activities that a licensed General Contractor may perform, particularly in the areas of municipal storm control systems and water and sewage treatment systems.

A copy 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, FL 32399-0750.

Please refer all comments to: G. W. Harrell, Executive Director, Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0750.

NOTICE IS HEREBY GIVEN THAT on August 7, 2007, the Board of Accountancy has received the petition for declaratory statement from Charles M. Allen. The petition seeks the agency’s opinion as to the applicability of Section 473.321, Florida Statutes as it applies to the petitioner.

The petition seeks the Board’s interpretation of Section 473.321, Florida Statutes, and how the Board defines the term “fictitious name” and whether the Petitioner’s accounting firm lawfully may be allowed to change its current name.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Voloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

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

REQUEST FOR INFORMATION

The University of Florida, Purchasing and Disbursement Services will receive letters of interest for the following: RFI08SV-216, Sanitary Sewer Inspection/Repairs, due by September 28, 2007, at 2:00 p.m. (Local Time). Estimated Budget Range: \$500,000 – \$2,000,000 (Phased over 6 years) Description: The University of Florida requests information from companies specializing in wastewater system studies and analysis and repair services which include pipeline cleaning, video inspection, repairs and detailed reporting on system manholes, pipelines and laterals. Vendors are requested to submit to Purchasing Services a detailed description of a proposed solution and/or information on projects you have completed of a similar size and scope. Please provide as much detail and documentation as you wish. Once this information is collected, it will be reviewed in order possibly create a Request for Proposal (RFP) or Invitation to Negotiate (ITN). All information regarding a potential competitive solicitation will be available on the Purchasing website at www.purchasing.ufl.edu.

All questions and letters of interest should be directed to Sarah Vidal, Construction Coordinator, UF Purchasing and Disbursement Services, svidal@ufl.edu or (352)392-1331 ext. 226.

INVITATION TO BID

The Florida State University Facilities Purchasing shall receive sealed bids until the dates and times shown for the following projects. Bids may be brought to the bid opening or sent to:

Florida State University
 Facilities Maintenance, Purchasing
 969 Learning Way
 114F Mendenhall Building A
 Tallahassee, Florida 32306

prior to bid opening. Bidder must reference bid number, opening date and time on outside of bid. Bidder must reference bid number, opening date and time on outside of bid package to insure proper acceptance. Bids submitted by facsimile are not accepted. For information to the Invitation(s) to Bid, contract the Bid Number FAC #111-07

Purchasing Agent: B.J. Lewis, Facilities
 Manadatory

Pre-Conference: September 17, 2007, 9:00 a.m.
 Location: 114 Mandenhall, Building A
 969 Lrarning Way
 Tallahassee, Florida 32306

Public Bid
 Opening: Septembr 24, 2007, 9:30 a.m.
 FSU-Facilities Maintenance
 114 Mendenhall Hall, Building A
 969 Learning Way
 Tallahassee, Florida 32306-4150
 Facilities Maintenance Purchasing

Bid Documents: Load Bank Generatoars on Floraida State University Campus

Contact Person: B.J. Lewis, Purchasing Agent
 Phone (850)644-7639; Fax (850)644-5071
 E-mail: blewis@admin.fsu.edu

Notice of Bid/Request for Proposal

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida St. Petersburg announces Construction Management services will be required for the project listed below:

PROJECT NO.: TBD

PROJECT AND LOCATION: Science and Technology/General Academic Facility, University of South Florida St. Petersburg, St. Petersburg, Florida.

PROJECT DESCRIPTION: The proposed project is a multi-functional, multi-use facility, which may include research and instructional labs, faculty offices, computer classrooms, general academic and study rooms, and joint use areas to serve large groups for both academic and conference

functions. This facility is anticipated to be a two-story structure of about 40,000 G.S.F. The estimated construction cost is \$9,000,000.00.

The University is seeking to hire a Construction Manager with extensive construction experience in laboratory and academic facilities. The contract for Construction Management services shall consist of a pre-construction services phase and a construction phase. The pre-construction services phase, for which the Construction Manager will be paid a fixed fee, will include value engineering, constructability analyses, development of cost models, estimating, and the development of a Guaranteed Maximum Price (GMP) at 75% Construction Document phase. If the GMP is accepted, the Construction Phase will be implemented. Early bid packages for fast track and multi-phase development may be required to meet project goals.

Selection of finalists for interviews will be made on the basis of Construction Manager qualifications, including applicant's experience, applicant's personnel, applicant's ability to provide service (record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, etc.), and the applicant's license, bondability, and insurability. As part of the University of South Florida St. Petersburg's Strategic Plan, USFSP made a commitment to foster a diverse community distinguished by a shared purpose. The University of South Florida St. Petersburg is an equal opportunity institution and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. Finalists will be provided with a draft copy of the building program, a description of the final interview requirements, and a copy of the standard University of South Florida St. Petersburg Construction Management Agreement. The Construction Manager shall have no ownership, entrepreneurial, or financial affiliation with the selected Architect/Engineer involved with this project.

INSTRUCTIONS: Firms desiring to provide Construction Management services for the project shall submit a letter of interest and a completed "USFSP Construction Manager Qualifications Supplement dated February, 2007" with attachments and additional information required. Proposals must not exceed 60 pages, including the Construction Manager Qualifications Supplement and letter of interest, attachments and additional information. Pages must be numbered consecutively. Submittals that do not comply with these

requirements or do not include the requested data may not be considered. Submittals are part of the public record and no submittal material will be returned.

All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list.

The "USFSP Construction Manager Qualifications Supplement" form and the Project Fact Sheet may be obtained by contacting: Yoli Lanuza, Facilities Planning and Construction Services, University of South Florida St. Petersburg, TER 100, 140 Seventh Avenue South, St. Petersburg, Florida 33701; via e-mail at ilanuza@spadmin.usf.edu, phone (727)873-4822 or Fax (727)873-4194.

Interested firms are invited to attend a Pre-submittal Meeting at the University of South Florida St. Petersburg, to be held at 10:00 a.m. (EDT), on Friday, September 7, 2007, in Davis Hall, Room 130, 140 Seventh Avenue South, St. Petersburg, Florida, to review the scope and requirements of this project. Requests for meeting by individual firms will not be granted.

It shall be noted that no verbal communication shall take place between the applicants and the University of South Florida St. Petersburg, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting, and the request for project information (the CMQS and Fact Sheet) and clarifications. Requests for any project information must be in writing to same address above.

One (1) original and five (5) bound copies of the above required proposal data shall be submitted to: James A. Grant, Director, Facilities Planning and Construction Services, University of South Florida St. Petersburg, 140 Seventh Avenue South, TER 100, St. Petersburg, Florida 33701.

Submittals must be received at the above campus address by 2:00 p.m. (EDT), on Friday, September 21, 2007. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or discontinue the selection process at any time and to return or reject any or all submissions of Construction Manager proposals without obligation to the respondent. The award of

this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

REGIONAL PLANNING COUNCILS

**** FIRST NOTICE ****

REQUEST FOR PROJECT PROPOSALS RESEARCH AND RESTORATION PARTNERS GRANT PROGRAM – FISCAL YEAR 2008

"Research and Restoration Partners Grant" project proposals must be received by the Charlotte Harbor National Estuary Program, 1926 Victoria Avenue, Fort Myers, Florida 33901, by 5:00 p.m. (local time), Friday, October 26, 2007. "Research and Restoration Partners Grant" project proposals are required to demonstrate a minimum of 50% matching funds from the applicant. The Charlotte Harbor National Estuary Program (NEP) reserves the right to reject any or all proposals. Final funding decisions will be made in Spring 2008, and the NEP will not reimburse for project costs prior to contract execution. **OBJECTIVE:** The Charlotte Harbor NEP is considering innovative research and restoration project proposals for fiscal year 2008 (October 1, 2007 – September 30, 2008). Projects must have long-term applicability, transferability and serve as models for addressing NEP priority actions, such as water quality, hydrologic and habitat restoration. The following are examples of projects that the program will consider:

- Restoration of the hydrologic and natural habitat conditions of the study area by such methods as the backfilling of ditches, removal of spoil piles, exotic species removal, planting of native vegetation, mangrove restoration, etc.;
- Reduce contaminants from marina and dock operations;
- Reduce non-point source pollutants associated with stormwater runoff; and
- Identify and map oyster bars to improve fish/ shellfish resource protection.

Projects must advance program objectives and address program priority problems as described in the proposal instructions. All restoration projects must develop and implement a post restoration management plan. Data collection efforts may have to obtain a federally-approved Quality Assurance Project Plan.

INVITATION TO PROPOSE: The program hereby solicits proposals for "Research and Restoration Partners Grant" projects. These grants are for proposal requests for the

management conference's guideline of \$20,000 per financially supporting partner. Project proposals are required to demonstrate a minimum of 50% in-kind or cash match from the applicant. Any organization or individual can submit a proposal. You or your organization may submit more than one proposal, but each proposal must be submitted separately and must follow the proposal instructions and requirements. The project must be located within the program's study area. The program strongly recommends applicants to attend a "Question-and-Answer" session on December 7, 2007.

REQUESTS FOR INFORMATION AND INSTRUCTION: All requests for information, instructions, and applications for submitting an application must be directed to Ms. Catherine Corbett at (239)338-2556, ext. 241, email: ccorbett@swfrpc.org.

HOW TO APPLY: The document "Requests for Research and Restoration Partners Proposals" may be obtained by contacting Ms. Catherine Corbett, Charlotte Harbor National Estuary Program at (239)338-2556, ext 241, email: ccorbett@swfrpc.org or from the program website at www.chnep.org. The Charlotte Harbor NEP will receive project proposals for "Research and Restoration Partners" grants until 5:00 p.m. (local time), Friday, October 26, 2007.

DEPARTMENT OF MANAGEMENT SERVICES

Notice of Bid/Request for Proposal

**PUBLIC ANNOUNCEMENT FOR CONSTRUCTION
CONTRACTORS TO PROVIDE CONSTRUCTION
MANAGEMENT AT RISK SERVICES**

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: FDLE-26025000

PROJECT NAME: Facility Fume Hood Upgrades, Florida Department of Law Enforcement Headquarters **LOCATION:** Tallahassee, Florida

ESTIMATED CONSTRUCTION BUDGET: \$313,300.00

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 Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/opwa_vbs/owa/vbs_www.main_menu.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

Notice of Bid/Request for Proposal

BID NO. BDC12-07/08

The Department of Environmental Protection, Division of Recreation and Parks, Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Blackwater River State Park Campground and Bathhouse Renovation/Upgrade

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to renovate and upgrade an existing 31 site campground and 752 sf. bathhouse. Campground site improvements to include paving of existing campground road, leveling and filling of individual campsites and installation of new electrical and water distribution systems to all campsites. Additional work to include the installation of sewer connection to each campsite and connection of wastewater collection system to on-site septic tank. The work also includes installation of storm water ponds and drainage infrastructure and installation of approximately 10,500 lf. connection to a public water supply (East Milton Water District).

PARK LOCATION: Blackwater River State Park, 7720 Deaton Bridge Road, Holt, FL 32564, Santa Rosa County

PROJECT MANAGER: Dale Quick, (850)488-5372, Fax (850)488-1141

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapters 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 31, 2007 at: Blackwater River State Park, 7720 Deaton Bridge Road, Holt, Florida 32564, Attention: Bob Barlow, (850)983-5363.

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 4:00 p.m. (EDST), Tuesday, October 2, 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.

AJAX BUILDING CORPORATION

Notice of Bid/Request for Proposal
 UNIVERSITY OF NORTH FLORIDA
 COLLEGE OF EDUCATION AND HUMAN SERVICES
 JACKSONVILLE, FLORIDA

Sealed bids for furnishing all labor and material and performing all work necessary and incidental to the completion of:

Bid Group	Bid Package No. & Description	Bid Date
1	BP 3.1 – Concrete	10/01/07
1	BP 5.1 – Structural Steel & Misc. Metals	10/01/07
1	BP 8.3 – Curtainwall, Glazing & Metal Clad Panels	10/01/07
1	BP 9.1 – Drywall	10/01/07
1	BP 9.3 – Acoustical Ceilings	10/01/07
2	BP 14.1 – Hydraulic Elevators	10/01/07
2	BP 13.1 – Fire Protection	10/01/07
2	BP 15.1 – Plumbing	10/01/07
2	BP 15.2 – HVAC	10/01/07
2	BP 16.1 – Electrical	10/01/07
3	BP 4.1 - Masonry	10/02/07
3	BP 7.1 – Modified Bituminous Roofing	10/02/07
3	BP 7.2 – Spray-on Fireproofing	10/02/07
3	BP 8.1 – Doors, Frames, and Hardware	10/02/07
3	BP 8.2 – Over head Coiling Doors	10/02/07
4	BP 2.1 – Site Work	10/02/07
4	BP 9.2 – Hard Tile	10/02/07
4	BP 9.4 – Carpet and Resilient Flooring	10/02/07
4	BP 9.5 – Painting & Coatings	10/02/07
5	BP 2.2 – Landscaping and Irrigation	10/05/07
5	BP 10.1 – Misc. Specialties and Equipment	10/05/07

5	BP 10.2 – Visual Display Boards	10/05/07
5	BP 10.3 – Signage	10/05/07
5	BP 12.1 – Casework & Wood Veneer Panels	10/05/07

for University of North Florida – College of Education and Human Services will be received by Ajax Building Corporation at the Office of Ajax Building Corporation at 7563 Phillips Highway, Building 300, Suite 301, Jacksonville, FL 32256 until 2:00 p.m. (Local Time), on the above referenced dates.

Each bid must be accompanied by a Bid Bond on the form enclosed in this package, certified check or cashier’s check in an amount no less than five percent of the total amount of the base bid as guarantee that the bidder will, if awarded the contract, enter into a written contract, satisfactory in form, containing a penalty clause and requiring workers' compensation and public liability insurance and approval of subcontractor by Ajax Building Corporation and shall be prepared to provide Payment and Performance Bonds on the forms enclosed in this bid package to Ajax Building Corporation in the full amount of the contract price within seven (7) days after acceptance. Bidder must be a licensed Florida Contractor.

Contract documents, as defined in Subcontract Agreement form, may be examined at the office of: Ajax Building Corporation, 7563 Phillips Highway, Building 300, Suite 301, Jacksonville, FL 32256.

Interested bidders may obtain pre-qualification forms by contacting Ajax Building Corporation’s office. Only bidders meeting pre-qualification criteria may bid. Bidders must submit a completed experience questionnaire and financial statement on the form entitled “Bidder Qualifications Questionnaire”, incorporated herein by reference. The subcontractor’s financial condition must demonstrate that adequate fixed and liquid assets and equipment are available to properly perform the Subcontract.

Prequalified bidders can obtain contract documents from: Ajax Building Corporation, 7563 Phillips Highway, Building 300, Suite 301, Jacksonville, FL 32256.

Documents for University of North Florida, College of Education and Human Services are scheduled to be available on 9/10/07. A set of contract documents may be obtained by providing a refundable deposit (conditional) in the amount of \$250.00. Costs for postage shall be separate and non-refundable. Additional sets may be purchased for the cost of reproduction and handling. Checks for refundable deposits must be separate from purchased sets and postage. All checks shall be made payable to Ajax Building Corporation. No bid documents will be distributed within seven (7) days of date of bid receipt.

No bids may be withdrawn after the scheduled closing time for receipt of same for a period of sixty (60) days.

Proposals shall be sealed and plainly marked, "Bid", with name of project, bid package number, name and address of bidder, time and date due.

The Construction Manager reserves the right to reject any and all bids received and to waive any and all informalities or irregularities in regard thereto.

Pre-Bid Conferences for Pre-Qualified Bidders will be held at Radisson Hotel, 4700 Salisbury Road, Jacksonville, FL 32256 on the below listed dates.

Bid Group	Date	Time
1	9/17/07	10:00 a.m.
2	9/17/07	2:00 p.m.
3	9/18/07	10:00 a.m.
4	9/18/07	2:00 p.m.
5	9/24/07	10:00 a.m.

Dates are subject to change. Notice will be given to Pre-Qualified bidders.

DEPARTMENT OF MILITARY AFFAIRS

ADVERTISEMENT FOR BIDS

SEALED BIDS ARE REQUESTED FROM QUALIFIED CONTRACTORS, LICENSED AS REQUIRED BY THE State of Florida, to be submitted to the Department of Military Affairs, HEREINAFTER REFERRED TO AS OWNER, FOR THE CONSTRUCTION OF:

PROJECT NO: 203123 ACCOUNTING CODE: 132G78.B1
PROJECT NAME AND LOCATION:

FIBER OPTICS TO AVENUE A ADMIN BUILDING
CAMP BLANDING JOINT TRAINING CENTER
STARKE, FLORIDA 32091

FOR: Department of Military Affairs, Construction and Facility Management Office, Robert F. Ensslin, Jr. Armory, 2305 State Road 207, St. Augustine, Florida 32086.

PROJECT DESCRIPTION: The project will require the placement of external telephone and fiber optic cables from the Camp Blanding CCC (Communications Control Center) (BL 2530) at the intersection of Avenue A and Fort Lauderdale Street to the BSC (Battle Simulation Center) (BL 3002) at the intersection of Avenue B and State Road 16. The project will be divided into three (3) Phases. The contractor will provide separate quotes for Phase 1, Phase 1 and 2, and Phase 1, 2 and 3.:

A FULL COPY OF THE SOLICITATION AND ALL ADDITIONAL DOCUMENTATION, DRAWINGS AND NON-TECHNICAL SPECIFICATIONS MUST BE DOWNLOADED FROM THE MY FLORIDA MARKETPLACE VENDOR BID SYSTEM AT:

http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu ON www.myflorida.com.

Prior to contract award, the Department reserves the right to perform or have performed, an on-site review of the Proposer's facilities and qualifications. This review will serve to verify

data and representations submitted by the Proposer and may be used to determine whether the Proposer has an adequate, qualified, and experienced staff, and can provide overall management facilities. The review may also serve to verify whether the Proposer has financial capability adequate to meet the contract requirements. Should the Department determine that the bid/proposal has material misrepresentations or that the size or nature of the Proposer's facilities or the number of experienced personnel (including technical staff) are not adequate to ensure satisfactory contract performance, the Department has the right to reject the bid/proposal).

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, Florida Statutes, 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), F.S.

MANDATORY PRE-BID MEETING

DATE AND TIME: September 11, 2007, 9:00 a.m. (Local Time)

PLACE: CAMP BLANDING JOINT TRAINING CENTER, 629 STATE ROAD 16 WEST, Building 2067, Starke, FL 32091

Post Headquarters, Building 2300 Commander's Conference Room, located at Camp Blanding Joint Training Center, Starke, Florida

All interested parties should call Mrs. Bobbie Smith at (904)823-0256. to be placed on the main gate access list by September 11, 2007, no later than 7:30 a.m. All Contractors interested in bidding on this project are required to attend this pre-bid meeting. Sub-contractors are also highly advised to attend.

Sealed bids will be received, publicly opened and read aloud on:

DATE AND TIME: September 21, 2007, 2:00 p.m. (Local Time) No late bids will be accepted.

DELIVER TO: DEPARTMENT OF MILITARY AFFAIRS

Camp Blanding-Facilities Engineering

Division C/O MSG Jeffrey Topping

Colleen Kralisz

5629 State Road 16, West, Bldg. 2300

Post Headquarters Starke, Florida 32091

MARK ENVELOPES: ATTN: SEALED BIDS for the CFMO Project No. 203123 Fiber Optics to Avenue A, MSG Jeffrey Topping, Telephone (904)682-3354/3454.

BIDS DELIVERED PRIOR TO BID OPENING DATE: If bids are sent prior to bid opening date to this address, please call (904)682-3454, Ms. Colleen Kralisz to confirm receipt.

BID/PROPOSAL: Bids/proposal must be submitted 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 Camp Blanding J6 Communications Representative Mr. Don McGuffin as supplied.

CONTRACT AWARD: Contract Award will be to lowest responsive and responsible bidder. 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. 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.

INABILITY TO POST ELECTRONICALLY: If the Department is unable to post (due to technical difficulties) as defined above, the Department will notify all Proposers via the Point of Contact and electronic address provided to the Department by the Proposer at the Mandatory Pre-Bid meeting.

Notice will be posted as defined above once the technical difficulties have been rectified; however, the official posting time will be that time at which the last Proposer was electronically notified.

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 Department reserves the right to accept or reject any or all proposals received and reserves the right to make an award with or without further discussion of the proposals submitted or accept minor informalities or irregularities in the best interest of the State of Florida, which are considered a matter of form and not substance, and the correction or waiver of which is not prejudicial to other Proposers. Minor irregularities are defined as those that will not have an adverse effect on the Department's interest and will not affect the price of the proposal by giving a Proposer an advantage or benefit not enjoyed by all other Proposers. It is understood the proposal will become a part of the Department's official file, without obligation to the Department. Proposals may be rejected if found to be irregular or not in conformance with the requirements and instructions contained herein. A proposal may be found to be irregular or non-responsive by reasons that include, but are not limited to failure to utilize or complete in their entirety prescribed forms, conditional proposals, incomplete proposals, ambiguous proposals, and improper, missing and/or undated signatures.

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'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.

VOLUNTEER FLORIDA

Volunteer Florida announces a request for proposals to operate an AmeriCorps program to support efforts for response and disaster mitigation through AmeriCorps Members. Application instructions will be available on Volunteer Florida's website at www.volunteerflorida.org on September 1, 2007. Proposals are due Friday, September 28, 2007.

Volunteer Florida, The Governor’s Commission on Volunteerism and Community Service was established in 1994 by the Florida Legislature to administer grants under the National and Community Service Trust Act of 1993. The Commission grants funds to Florida AmeriCorps and National Service programs; encourages volunteerism for everyone from youths to seniors to people with disabilities; promotes volunteerism in emergency management and preparedness; and helps to strengthen and expand Volunteer Centers in Florida.

AmeriCorps is a program funded by the U.S. Congress under the Catalog of Federal Domestic Assistance number 94.006. The national public/private partnership supporting AmeriCorps is the Corporation for National and Community Service (CNCS). For more information about the CNCS and national AmeriCorps programs, visit www.americorps.org.

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

The Division of Historical Resources announces that it will solicit applications for Historic Preservation grants-in-aid assistance for historic preservation projects from October 1, 2007 to December 17, 2007.

The deadline for filing applications is December 17, 2007, and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day, or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Applications will be reviewed in a public meeting of a Review Board, approved by the Secretary of State and Chaired by a member of the Florida Historical Commission, on March 31, 2008 to April 3, 2008, from 9:00 a.m. to 5:00 p.m., in the R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida.

Please note that some changes will be made to our application. These changes will be posted and take effect October 1, 2007. Further information may be accessed online at <http://www.flheritage.com/grants/preservation/>, by writing to the Grants and Education Section, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, 4th Floor, Tallahassee, Florida 32399-0250 or by calling (800)847-7278.

DEPARTMENT OF COMMUNITY AFFAIRS

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY CITY OF KEY COLONY BEACH
ORDINANCE NO. 393-2007

FINAL ORDER

The Department of Community Affairs (the “Department”) hereby issues its Final Order, pursuant to §§ 380.05(6), Fla. Stat. (2006), and § 380.0552(9), Fla. Stat. (2006), approving a land development regulation adopted by the City of Key Colony Beach as set forth below.

FINDINGS OF FACT

1. On June 19, 2007, the Department received for review City of Key Colony Beach Ordinance No. 393-2007, which was adopted by the City of Key Colony Beach Board of City Commissioners on June 14, 2007 (“Ord. 393-2007”). The purpose of Ord. 393-2007 is to amend Section 101-171 of the City code to clarify the variance criteria, notification and review process for the Planning and Zoning Committee hearing process.
2. Ord. 393-2007 is consistent with the City’s Comprehensive Plan.

CONCLUSIONS OF LAW

3. The Department is required to approve or reject land development regulations that are enacted, amended or rescinded by any local government in the Florida Keys Area of Critical State Concern. §§ 380.05(6) and (11), Fla. Stat., and § 380.0552(9), Fla. Stat. (2006).
4. The City of Key Colony Beach 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.
5. “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. 393-2007 are land development regulations.
6. 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”). The Principles are construed as a whole and no specific provision is construed or applied in isolation from the other provisions. § 380.0552(7), Fla. Stat. (2006).
7. Ordinance 393-2007 is consistent 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.
8. Ordinance 393-2007 is not inconsistent with the remaining Principles. Ord. 393-2007 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 393-2007 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 F.A.W., unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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 INACTION.

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.

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 20th day of August, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:
The Honorable Clyde Burnett
Mayor of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

Vicki L. Bollinger
Clerk of the City of Key Colony Beach
Post Office Box 510141
Key Colony Beach, FL 33051

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
In re: A LAND DEVELOPMENT REGULATION
ADOPTED BY ISLAMORADA
VILLAGE OF ISLANDS ORDINANCE NO. 07-20

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 July 19, 2007, the Department received for review Islamorada, Village of Islands Ordinance No. 07-20 ("Ord. No. 07-20") adopted by the Village on July 12, 2007.
3. The purpose of the Ordinance is to amend Chapter 30 Land Development Regulations, Article IV, Administrative Procedures of the Building Permit Allocation System to modify the procedure for notification to the applicants.
4. Ord. 07-20 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. 07-20 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. 07-20 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.
10. Ord. 07-20 is not inconsistent with the remaining Principles. Ord. 07-20 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 07-20 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.

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 INACTION.

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 20th 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: CITY OF MARATHON LAND
DEVELOPMENT REGULATIONS
ADOPTED BY ORDINANCE NO. 2007-13

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 the City of Marathon is a local government within the Florida Keys Area.
2. On August 6, 2007, the Department received for review City of Marathon Ordinance No. 2007-13 that was adopted by the City of Marathon Board of City Commissioners on June 26, 2007 ("Ord. 2007-13"). Ord. 2007-13 amends Chapter 106 of the City Code by creating the establishment of an Environmental Land Management and Restoration Fund for the restoration and management activities of public resource protection and conservation lands projects.
3. Ord. 2007-13 is consistent with the City's 2010 Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations 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).
5. The City of Marathon is a local government within the Florida Keys Area of Critical State Concern. § 380.0552, Fla. Stat. (2006) and Rule 31-31.002 (superseding Chapter 27F-8), Fla. Admin. Code.
6. "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. 2007-13 are land development regulations.
7. 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. 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.

8. Ord. 2007-13 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.
 - (b) To protect shoreline and marine resources, including mangroves, coral reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.
 - (c) To protect upland resources, tropical biological communities, freshwater wetlands, native tropical vegetation (for example, hardwood hammocks and pinelands), dune ridges and beaches, wildlife, and their habitat.
9. Ord. 2007-13 is not inconsistent with the remaining Principles. Ord. 2007-13 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 2007-13 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.

CHARLES GAUTHIER, AICP
Director, Division of Community Planning
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

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 INACTION.

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.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 20th day of August, 2007.

Paula Ford, Agency Clerk

By U.S. Mail:
Honorable Christopher M. Bull, Mayor
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Diane Clavier, City Clerk
City of Marathon
10045-55 Overseas Highway
Marathon, Florida 33050

Mike Puto
Acting City Manager
City of Marathon
10054-55 Overseas Highway
Marathon, Florida 33050

Jimmy Morales, Esq.
Stearns Weaver Miller Weissler
Alhadeff & Sitterson, P.A.
Suite 2200 Museum Tower
150 West Flagler Street
Miami, Florida 33130

DEPARTMENT OF TRANSPORTATION

The Florida Department of Transportation intends to issue an "Airport Site Approval Order," in accordance with Chapter 330, Florida Statutes, "Regulation of Aircraft, Pilots, and Airports" and Chapter 14-60, Florida Administrative Code, "Airport Licensing, Registration, and Airspace Protection" for the following site:

Waters Heliport, a private airport, in Polk County, at Latitude 27° 46' 48.3" and Longitude 081° 38' 35.8", to be owned and operated by Mr. Gregory Waters, 218 South Lk Starr Blvd, Lake Wales, FL 33898.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450. Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for 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 Buell Motorcycle Company, intends to allow the establishment of Harley-Davidson of Tallahassee, Inc., as a dealership for the sale of Buell motorcycles at 1745 Capital Circle Northwest, Tallahassee (Leon County), Florida 32303-3115, on or after September 15, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Harley-Davidson of Tallahassee, Inc. are dealer operator(s): C. Scott Higginbotham, 1552 Isabel Court, Tallahassee, Florida 32303; principal investor(s): C. Scott Higginbotham, 1552 Isabel Court, Tallahassee, Florida 32303.

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: Ed Yagodinski, Harley Davidson Motor Company, Post Office Box 653, Milwaukee, Wisconsin 53201.

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 Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Buell Motorcycle Company, intends to allow the establishment of Heritage Cycles H-D of Fort Walton Beach, Inc., as a dealership for the sale of Buell motorcycles (BUEL) at 788 North Beal Parkway, Fort Walton Beach (Okaloosa County), Florida 32547, on or after September 3, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Heritage Cycles H-D of Fort Walton Beach, Inc. are dealer operator(s): Diane Biancanello, 806 Choutaw Lane, Shalimar, Florida 32579; principal investor(s): Diane Biancanello, 806 Choutaw Lane, Shalimar, Florida 32579.

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: Ed Yagodinski, Harley-Davidson Motor Company, Post Office Box 653, Milwaukee, Wisconsin 53201.

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 JMSTAR Powersports, Inc., intends to allow the establishment of House of Scooters, Inc., as a dealership for the sale of Xingyue (ZXYV) motorcycles at 1313 North State Road 7, Hollywood (Broward County), Florida 33021, on or after August 14, 2007.

The name and address of the dealer operator(s) and principal investor(s) of House of Scooters, Inc. are dealer operator(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021; principal investor(s): Orestes Nunez, 1313 North State Road 7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Yenong Xie, President, JMSTAR Powersports, Inc., 400 Northwest 141 Avenue #207, Pembroke Pines, Florida 33028.

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 Johnny Pag Motorcycles, intends to allow the establishment of Hyundai of North Jacksonville, as a dealership for the sale of Johnny Pag motorcycles (PAGS) at 3333 North Main Sreet, Jacksonville (Duval County), Florida 32206, on or after August 16, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Hyundai of North Jacksonville are dealer operator(s): Sam Kazran, 3333 North Main Street, Jacksonville, Florida 32206; principal investor(s): Sam Kazran, 3333 North Main Street, Jacksonville, Florida 32206.

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: JR Pag, Vice President, Johnny Pag Motorcycles, 11754 Warm Springs Road, Riverside, California 92505-5862.

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 Hyosung Motors America, Inc., intends to allow the establishment of Palm City Corp. d/b/a Dragon Cycles, as a dealership for the sale of Hyosung motorcycles (HYOS) at 11100 Cleveland Avenue, Fort Myers (Lee County), Florida 33907, on or after August 20, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Palm City Corp. d/b/a Dragon Cycles are dealer operator(s): James Wilson, 2104 West First Street, Fort Myers, Florida 33907; principal investor(s): James Wilson, 2104 West First Street, Fort Myers, Florida 33907.

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: Simon Kim, President, Hyosung Motors America, Inc., 5815 Brook Hollow Parkway, Suite B, Norcross, Georgia 30071.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for services exemption from Florida Hospital Waterman, 1000 Waterman Way, Tavares, FL 32778 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The services category which the exemptions are requested is: Plastic Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status. Contact person: Julie Young, 2727 Mahan Drive, Tallahassee, FL 32301, (850)414-6940, youngj@ahca.myflorida.com.

The Agency for Health Care Administration received and accepted the following letters of intent for the September 12, 2007 application filing date for Hospital Beds and Facilities batching cycle:

County: Pinellas District: 5
 Date Filed: 8/13/2007 LOI #: H0708001
 Facility/Project: Tampa Bay Long Term Acute Care Hospital, LLC
 Applicant: Tampa Bay Long Term Acute Care Hospital, LLC

Project Description: Establish a new long-term care hospital of up to 25 beds within Edward White Hospital

County: Hillsborough District: 6
 Date Filed: 8/13/2007 LOI #: H0708002

Facility/Project: St. Joseph's Hospital, Inc.

Applicant: St. Joseph's Hospital, Inc.

Project Description: Establish an adult psychiatric hospital of up to 50 beds

County: Manatee District: 6
 Date Filed: 8/13/2007 LOI #: H0708003

Facility/Project: Manatee Memorial Hospital

Applicant: Manatee Memorial Hospital, L.P.

Project Description: Establish a Level III NICU of up to 15 beds

County: Hillsborough District: 6
 Date Filed: 8/13/2007 LOI #: H0708004

Facility/Project: South Bay Hospital

Applicant: Sun City Hospital, Inc.

Project Description: Establish a 112 acute bed replacement hospital

County: Osceola District: 7
 Date Filed: 8/13/2007 LOI #: H0708005

Facility/Project: Poinciana Hospital and Medical Center

Applicant: Osceola Regional Hospital, Inc.

Project Description: Establish a new acute care hospital of up to 120 beds

County: Broward District: 10
 Date Filed: 8/13/2007 LOI #: H0708006

Facility/Project: Memorial Regional Hospital South

Applicant: South Broward Hospital District

Project Description: Add 36 comprehensive medical rehabilitation beds through the transfer of 36 comprehensive medical rehabilitation beds at Memorial Regional Hospital

If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after October 17, 2007, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on September 29, 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."

The Department of Environmental Protection gives notice of its intent to grant a water quality criteria exemption for the aesthetically based secondary drinking water standards for color (standard 15 color units, exemption limit 250 color units), and iron (standard 0.3 mg/L, exemption limit 0.8 mg/L) to the United States Army Corps of Engineers (USACE), Ms. Marie Burns, Chief, Planning Environmental Branch. The water quality criteria exemption is for the Lake Okeechobee Aquifer Storage and Recovery (ASR) Pilot Project - Kissimmee River Site. The exemption is granted for the duration of the KR-ASR-1 Class V well construction permit. Future exemptions must be petitioned for by the applicant in conjunction with a construction or operation permit for any ASR project at this site. The ASR facility is located in Okeechobee County, approximately 1/2 mile northwest of the state Highway 78 bridge over the Kissimmee River.

A person whose substantial interests are affected by the Department's proposed exemption decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57 of the Florida Statutes. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, within 21 days of the date of this notice. The petitioner must mail a copy of the petition to the applicant Ms. Marie Burns, Chief, Planning Environmental Branch, 701 San Marco Boulevard, Jacksonville, Florida 32207, at the time of filing. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57 of the Florida Statutes, or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will only be at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205 of the Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following informative

- (a) The name, address, and telephone number of each petitioner; the name, address, and telephone number of the petitioner's representative, if any; the Department case or identification number and the county in which the subject matter or activity is located;
- (b) A statement of when and how each petitioner received notice of the Department action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department action;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A statement of facts that the petitioner contends warrant reversal or modification of the Department action;
- (f) A concise statement of the ultimate facts alleged, as well as the rules and statutes which entitle the petitioner to relief; and
- (g) Demand for relief (sought by the petitioner, stating precisely the action that the petitioner wants the Department to take).

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise contain the same information as set forth above, as required by Rule 28-106.301, F.A.C.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department on the petitions have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation is not available for this proceeding.

The application is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, in Room 212E, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400. A copy of the Intent may be obtained by contacting: Richard Deuerling at the above address or telephone (850)245-8653.

NOTICE OF INTENT TO ISSUE PROPOSED
MODIFICATION OF POWER PLANT CERTIFICATION

The Florida Department of Environmental Protection (Department) hereby provides notice of an 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: OUC Curtis H. Stanton Energy Center, Power Plant Siting Application No. PA81-14H OGC Case No. 07-1458. On February 2, 2007, the Department received an application to modify the Conditions of Certification for the Curtis H. Stanton Energy Center from Orlando Utilities Commission pursuant to Section 403.516(1)(c), Florida Statutes, to install a rail car siding facility. 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 Rule 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.

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://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF INTENT TO GRANT VARIANCE

The Department of Environmental Protection gives notice of its intent to grant a variance under Section 403.201, Florida Statutes, from the provisions of subparagraph 62-302.500(1)(a)4. and paragraph 62-4.244(3)(a), Florida Administrative Code, to the City of Vero Beach, Vero Beach Reverse Osmosis Facility, P. O. Box 1389, Vero Beach Florida, which would allow relief from the acute toxicity requirements for waters discharging from the Vero Beach Reverse Osmosis Facility Outfall D-001 to the Indian River Farms Control District Main Relief Canal which then flows into the Indian River Lagoon, located in Indian River County, Florida. A variance constitutes a temporary change to water quality standards within the affected area. The affected area for this variance is a radius of less than 2 meters at the water's surface.

The intent to grant and application file on this matter are available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's Water Quality Standards and Special Projects Program, 2600 Blair Stone Road, Tallahassee, Florida. Telephone: (850)245-8419.

The Department will grant the variance with the attached conditions unless a timely petition for an administrative hearing is filed under Sections 120.569 and 120.57, Florida Statutes, within 14 days of receipt of notice. The procedures for petitioning a hearing are set forth below.

A person whose substantial interests are affected by the Department's proposed variance decision may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received) by the

clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, a person may request an extension of the time for filing a petition for an administrative hearing. The request must be filed (received by the Clerk) in the Office of General Counsel before the end of the time period for filing a petition for an administrative hearing.

Petitions filed by any persons other than those entitled to written notice under Section 120.60(3), Florida Statutes, must be filed within fourteen days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Section 120.60(3), Florida Statutes, however, also allows that any person who has asked the Department for notice of agency action may file a petition within fourteen days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition or request for an extension of time within fourteen days of receipt of notice shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

A petition that disputes the material facts on which the Department's action is based must contain the following information, as indicated in Rule 28-106.201, Florida Administrative Code:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;

- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the Department's proposed action;
- (f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the Department's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the Department to take with respect to the Department's proposed action.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice. Persons whose substantial interests will be affected by any such final decision of the Department have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

Mediation under Section 120.573, Florida Statutes, is not available for this proceeding.

DEPARTMENT OF FINANCIAL SERVICES

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT, IN AND FOR LEON COUNTY, FLORIDA

CASE NO.: 2007-CA-186

In Re: The Receivership of VANGUARD FIRE AND CASUALTY COMPANY, a Florida corporation.

NOTICE TO ALL POLICYHOLDERS, CREDITORS, AND CLAIMANTS HAVING BUSINESS WITH VANGUARD FIRE AND CASUALTY COMPANY.

You are hereby notified that by order of the Circuit Court of the Second Judicial Circuit, in and for Leon County, Florida, entered the 22nd day of March, 2007, the Department of Financial Services of the State of Florida was appointed as

Receiver of VANGUARD FIRE AND CASUALTY COMPANY and was ordered to liquidate the assets located in Florida of said company.

Policyholders, claimants, creditors, and other persons in this State having claims against the assets of VANGUARD FIRE AND CASUALTY COMPANY, shall present such claims to the Receiver on or before 11:59 p.m. on Wednesday, March 26, 2008, or such claims shall be forever barred.

Requests for forms for the presentation of such claims and inquiries concerning this Receivership should be addressed to:

The Division of Rehabilitation and Liquidation of the Florida Department of Financial Services, Receiver for VANGUARD FIRE AND CASUALTY COMPANY, Post Office Box 110, Tallahassee, Florida 32302-0110.

FINANCIAL SERVICES COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at

<http://www.fldfs.com/ofr/banking/cufm.asp>. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., September 21, 2007):

Name and Address of Applicant: ECU Credit Union, Post Office Box 4818, Seminole, Florida 33775-4818

Expansion Includes: Select employee group

Received: August 22, 2007

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN August 13, 2007
 and August 17, 2007**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF STATE

Division of Elections

1S-2.030	8/17/07	9/6/07	33/25	
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Standards

5F-5.001	8/13/07	9/2/07	33/21	
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PUBLIC SERVICE COMMISSION

25-4.036	8/16/07	9/5/07	33/27	
25-24.515	8/16/07	9/5/07	33/27	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Commission

61J2-10.029	8/17/07	9/6/07	33/29	
61J2-20.042	8/17/07	9/6/07	33/29	

DEPARTMENT OF ENVIRONMENTAL PROTECTION

62-303.360	8/15/07	9/4/07	33/21	33/29
62-303.370	8/15/07	9/4/07	33/21	
62-303.380	8/15/07	9/4/07	33/21	33/29
62-303.460	8/15/07	9/4/07	33/21	
62-303.470	8/15/07	9/4/07	33/21	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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62-303.480	8/15/07	9/4/07	33/21	
62-303.720	8/15/07	9/4/07	33/21	

**DEPARTMENT OF HEALTH
 Board of Medicine**

64B8-9.009	8/14/07	9/3/07	33/26	
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Division of Family Health Services

64F-12.018	8/16/07	9/5/07	33/15	33/27
64F-12.025	8/16/07	9/5/07	33/15	33/27

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self Sufficiency Program

65A-4.203	8/14/07	9/3/07	33/20	
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**FINANCIAL SERVICES COMMISSION
 OIR Insurance Regulation**

69O-170.005	8/16/07	9/5/07	31/26	33/5
69O-170.006	8/16/07	9/5/07	31/26	
69O-170.007	8/16/07	9/5/07	31/26	
69O-170.013	8/16/07	9/5/07	31/26	32/6
69O-170.0135	8/16/07	9/5/07	31/26	
69O-170.014	8/16/07	9/5/07	31/26	
69O-170.0141	8/16/07	9/5/07	31/26	
69O-170.0142	8/16/07	9/5/07	31/26	33/5
69O-170.0143	8/16/07	9/5/07	31/26	
69O-170.0155	8/16/07	9/5/07	31/26	33/5