

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

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

**Division of Animal Industry**

RULE NO.:                      RULE TITLE:

5C-20.002                      Declaration; Requirement to Report

**PURPOSE AND EFFECT:** The purpose and effect of the rule change is to include Equine Herpes Virus (Neurological Disease) to the list of diseases reportable to the State Veterinarian in order to prevent, control and eradicate certain infectious or communicable diseases of livestock and other domestic animals, ensuring the health, safety and welfare of the public, livestock and foot production animals from illness and subsequent economic disaster.

**SUBJECT AREA TO BE ADDRESSED:** Modification of the list of diseases reportable to the State Veterinarian.

**SPECIFIC AUTHORITY:** 585.002(3), 585.15 FS.

**LAW IMPLEMENTED:** 585.15 FS.

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

**DATE AND TIME:** Monday, January 7, 2008, 10:00 a.m.

**PLACE:** Department of Agriculture and Consumer Services, Division of Animal Industry, Conference Room 316, 407 South Calhoun Street, Tallahassee, FL 32399-0800

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: Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900 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:** Dr. Thomas J. Holt, State Veterinarian, Director, Department of Agriculture and Consumer Services, Division of Animal Industry, Room 330, 407 South Calhoun Street, Tallahassee, FL 32399-0800; (850)410-0900

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

**DEPARTMENT OF REVENUE**

**Division of Child Support Enforcement**

RULE NO.:                      RULE TITLE:

12E-1.032                      Electronic Remittance of Support Payments

**PURPOSE AND EFFECT:** The purpose of these rule amendments is to provide instruction to employers about the waiver process to be used by the Department in accordance with the electronic remittance requirements in Section 61.1824(6), Florida Statutes. The effect of this proposed rule is to inform the public that employers who are unable to pay support electronically may request a waiver from the requirement to send support payments electronically and to describe the waiver process to be used by the Department.

**SUBJECT AREA TO BE ADDRESSED:** The subject of this workshop is to implement a procedure to be used in accordance with the electronic remittance requirements in Section 61.1824(6), Florida Statutes, which permits the Department to grant waivers to employers who are unable to pay support electronically.

**SPECIFIC AUTHORITY:** 61.1824(6), 409.2557(3)(o) FS.

**LAW IMPLEMENTED:** 61.1824(6) FS.

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

**DATE AND TIME:** January 9, 2008, 1:30 p.m.

**PLACE:** 4070 Esplanade Way, Room 258, Tallahassee, FL 32399-3150

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS:** Phil Scruggs, Government Analyst II, Child Support Enforcement Program, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

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

12E-1.032 Electronic Remittance of Support Payments.

(1) Scope. This rule chapter sets forth the rules to be used in the administration of Section 61.1824(6), Florida Statutes, F.S., which provides for the electronic remittance of support payments deducted pursuant to an income deduction order or income deduction notice and the electronic submission of associated case data by an employer to the State Disbursement

Unit. An employer who needs general information concerning the electronic remittance of support payments and associated case data may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227. An employer who needs information about a waiver from electronic remittance and filing requirements may contact the Department of Revenue, toll free, at 1(866)435-2763, or the State Disbursement Unit, EFT Marketing, at (850)205-8227.

(2) Definitions. As used in this rule:

(a) "Addenda record" means information required by the Department in an Automated Clearing House Credit "ACH credit" transfer that is needed to completely identify an employer or provide information concerning a payment, in approved electronic format.

(b) "Associated case data" means support payment information required to be submitted to the State Disbursement Unit pursuant to Title IV-D of the Social Security Act. Paragraph (5)(h), subparagraphs 1. through 10., of this rule lists the case data required to be submitted to the State Disbursement Unit.

(c) "Automated Clearing House" or "ACH" means a central distribution and settlement point for the electronic clearing of debits and credits between financial institutions rather than the physical movement of paper items.

(d) "Automated Clearing House Credit" or "ACH credit" means the electronic transfer of funds generated by the employer, cleared through the ACH for deposit to the State Disbursement Unit.

(e) "Department" means the Florida Department of Revenue.

(f) "Due date" means the date that an electronic payment and associated case data must be received by the State Disbursement Unit.

(g) "Electronic means" includes any one or more of the following methods of transmitting funds or data: electronic data interchange, electronic funds transfer, Internet, or any other technology designated by the Department.

(h) "Employer" means a person, business, or organization that pays one or more workers to perform a service or engage in an activity in exchange for financial compensation.

(i) "Employer's designated child support payment processor (hereafter called employer's processor)" means a financial institution or business utilized by the employer to provide ACH support payment services.

(j) "National Automated Clearing House Association" or "NACHA" means the national trade association for electronic payments associations, which establishes the rules, industry standards, and procedures governing the exchange of commercial ACH payments by depository financial institutions.

(k) "State Disbursement Unit" or "SDU" means the single unit in the state that receives all withheld support payments and processes all support payments pursuant to Section 61.1824, Florida Statutes, ~~F.S.~~

(3) Methods of Transferring Funds and Associated Case Data by Electronic Means.

(a) Electronic remittance of support payments and associated case data by the employer or the employer's processor to the State Disbursement Unit shall be in a format used within the "Automated Clearing House" or "ACH" network to conduct the transfer of support funds between business or government entities. An acceptable format includes either "Cash Concentration and Disbursement Plus (CCD+)" or "Corporate Trade Exchange (CTX)."

(b) The ACH credit transfer is the method by which employers subject to electronic payment requirements under this rule shall remit payments and associated case data by electronic means.

(4) Remittance or Transmission Problems.

(a) If the employer or employer's processor incorrectly submits associated case data or incorrectly remits support payments, the employer or the employer's processor shall contact, not later than the next business day after the date on which the error is discovered, the State Disbursement Unit toll-free at 1(888)883-0743 or local number at (850)201-0183 for specific instructions.

(b) The State Disbursement Unit shall review payment error and associated case data problems, determine the course of action to correct the error(s), and take steps to process the information and payment. The Department shall assist the State Disbursement Unit in resolving these specific payment errors, on a case-by-case basis.

(c) To assist the employer or employer's processor in complying with Section 61.1824(6), Florida Statutes, F.S., and this rule chapter, the State Disbursement Unit shall contact the employer or employer's processor when one or more of the following conditions exist.

1. The employer or employer's processor does not transmit error-free payments and associated case data.

2. The employer or employer's processor varies from the requirements and specifications of these rules.

3. The employer or employer's processor fails to make timely electronic payments or timely provide associated case data, or fails to provide the required addenda record with the electronic payment.

(d) The State Disbursement Unit shall help the employer or the employer's processor resolve the condition(s) in paragraph (c).

(5) Procedures for Payment.

(a) Automated Clearing House Credit Method (ACH Credit Method). An employer who uses the ACH credit method must contact the employer's financial institution or an employer's processor that provides prescribed ACH services and arrange to transfer the support payment to the State Disbursement Unit using an ACH credit transfer.

(b) For the employer to establish ACH payments directly to the State Disbursement Unit, initially the employer or employer's processor must contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 and provide the information in subsection (c) below. The State Disbursement Unit will compare the information provided by the employer or employer's processor with identifying information in the State Disbursement Unit's child support computer system. Identifying information submitted by the employer or the employer's processor must match the identifying information in the State Disbursement Unit computer system. The State Disbursement Unit will work with the employer to resolve discrepancies, if any are found. For the employer to establish ACH payments to the State Disbursement Unit, through an employer processor, the employer must contact the processor directly. For employers using a processor, the processor is responsible for verifying the information.

(c) The employer or the employer's processor must provide the State Disbursement Unit with the following information for each obligor for whom payments will be remitted:

1. Obligor first and last name;
2. Obligor Social Security Number;
3. Obligee first and last name; and
4. Case identifier, as stated in subparagraph (h)3.

(d) The State Disbursement Unit will inform the employer or employer's processor of the following when there is a match of the information listed in paragraph (c).

1. State Disbursement Unit's banking information to send payments electronically; and
2. That electronic remittance of support payments may commence.

(e) Neither the State Disbursement Unit nor the Department will pay for expenses incurred by the employer or employer's processor to use the ACH credit method. Pursuant to the income deduction provisions of Section 61.1301(2)(e)6., Florida Statutes, F.S., the employer may collect a fee from the employee's income for each withheld payment.

(f) To assure the receipt of support payments by the due date, an employer or the employer's processor must initiate the payment transaction in accordance with subsection (6).

(g) All ACH credit transfers must be in the NACHA Cash Concentration and Disbursement Plus "CCD+" or NACHA Corporate Trade Exchange "CTX" format containing an Accredited Standards Committee (ASC) X12 820 Payment Order/Remittance Advice Transaction Set with associated addenda record(s) for child support, in the format specified by

NACHA guidelines as referenced herein. The Department uses NACHA guidelines to govern the formats and specifications for the electronic remittance of support payments and the electronic submission of associated case data, which are contained in the User Guide For Electronic Child Support Payments, Using The Child Support Application Banking Convention, Version 5.0, revised August 21, 2006, incorporated ~~herein~~ by reference. Members of the public may obtain a copy of the NACHA guidelines by writing to the Florida Department of Revenue, Child Support Enforcement Program, Attn: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030, or by accessing <http://www.nacha.org/>. The employer, employer's financial institution, or the employer's processor providing ACH services may contact the State Disbursement Unit, EFT Marketing, at (850)205-8227 to determine the formats, standards, and technical requirements to implement this provision.

(h) The electronic record shall include the following associated case data fields.

1. Segment identifier – A unique identifier for a segment composed of a combination of two or three uppercase letters and digits. "DED" is the segment identifier.
2. Application identifier – The type of deduction withheld from an employee's pay. "CS" is the application identifier.
3. Case identifier – The unique identifier composed of alpha and numeric characters based on the court order number.
4. Pay date – The date the income was withheld from the employee's paycheck.
5. Payment amount – The amount of support withheld from the employee's income for a specific pay period, which is paid to the State Disbursement Unit.
6. Noncustodial parent Social Security Number.
7. Medical support indicator – The indicator designates whether the employer offers family medical insurance coverage. If medical insurance coverage is available, place a 'Y' in the field; if there is no coverage available, place an 'N' in the field. The National Automated Clearing House Association standard requires this data element.
8. Noncustodial parent name.
9. Federal Information Processing Standard Code (FIPS code) – The unique code that identifies each child support jurisdiction (i.e., states, counties and central registries). As used in this rule, the FIPS code refers to the code of the State Disbursement Unit receiving the transaction.
10. Employment termination indicator – The employment termination indicator notifies the Department that an individual's employment has terminated. The employer is required to report this information pursuant to Section 61.1301(2)(k), Florida Statutes, F.S. If the employee has terminated, place a 'Y' in this field; otherwise, the field is not used.

(i) The employer or employer’s processor may combine payment amounts from more than one employee in a single payment as long as the required information in paragraph (5)(h), subparagraph 1. through 10., is submitted for each employee. In addition, the employer or employer’s processor must separately identify the portion of the single payment that is attributable to each employee.

(6) Due Date.

(a) Pursuant to Section 61.1301(1)(a)3., Florida Statutes, F.S., the employer is required to remit support payments based upon the employee’s pay cycle.

(b) The employer or employer’s processor who is required to pay support and provide associated case data through electronic means must initiate the transfer so that the amount due is deposited as collected funds to the State Disbursement Unit’s account on or before the due date. If the date on which the employer or employer’s processor is required to initiate an ACH credit transfer falls on a Saturday, Sunday, or a business or banking holiday, the employer or the employer’s processor must initiate the transaction on the preceding business day. For the purpose of this rule, “banking day” has the meaning prescribed in the banking provisions of Section 674.104(1), Florida Statutes, F.S.

(7) Waiver From Electronic Filing Requirements. The Department is authorized to waive the requirement that an employer or employer’s processor pay support and provide associated case data through electronic means, if the employer or employer’s processor is issued a waiver by the Department from the requirement to electronically file tax returns under Section 213.755 or 443.163, Florida Statutes, F.S. or the employer or employer’s processor is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. To request a waiver the employer or employer’s processor must establish in writing the basis under which such waiver is requested. In this written request, the employer or employer’s processor must explain how one or more of the factors discussed in paragraph (a) of this subsection affect the ability to file electronically. After the Department verifies the explanation submitted by the employer or employer’s processor, it will respond in writing regarding the decision to grant or deny such waiver.

(a) To request a waiver from electronically sending support payments, the employer or employer’s processor must complete and submit Form CS-FM42, Electronic Remittance of Child Support Payments Request for Waiver, dated August 2007, incorporated by reference. The employer or employer’s processor must explain on Form CS-FM42 how one or more of the factors discussed in paragraph (c) of this subsection affect the ability to file electronically. Grounds for approving a request for a waiver include, but are not limited to:

1. Any of the circumstances specified in Section 213.755(9)(a) or (b), F.S.; or,

2. The employer or the employer’s processor does not have a modem; or,

3. The employer or the employer’s processor does not have access to the Internet.

(b) The Department shall review the information submitted by the employer or employer’s processor and respond in writing regarding the decision to grant or deny such waiver. The Department will use the following forms for this purpose. A waiver shall be valid for up to two years and the issuance of a subsequent waiver shall be contingent on the employer or the employer’s processor working with the Department during the current waiver period to address the issues that originally necessitated the issuance of the waiver. The requirement to work with the Department to address the issues that necessitated a waiver means the employer or the employer’s processor will: discuss existing computer capabilities with the Department; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons as set forth in Section 213.755, F.S., continue to apply.

1. Form CS-FM43, Electronic Remittance of Child Support Payments Waiver Approval Notice, dated August 2007, incorporated by reference. Form CS-FM43 states: that the waiver is approved for a specific period; the Department will remind the employer of the waiver expiration date at least sixty (60) days before it expires; and, before the current waiver expires, the employer may apply for another waiver if he or she is unable to comply with the requirements of Section 61.1824(6), Florida Statutes, and this rule. The Department will use Form CS-FM48, Electronic Remittance of Child Support Payments Waiver Expiration Notice, dated August 2007, incorporated by reference, as the reminder notice.

2. Form CS-FM47, Electronic Remittance of Child Support Payments Waiver Denial Notice, dated August 2007, incorporated by reference. Form CS-FM47 states that the waiver is denied, the reason for the denial, that the employer must send support payments and provide case data electronically to the State Disbursement Unit, and that the employer may contest the decision by requesting an administrative hearing under Chapter 120, Florida Statutes. The form includes a Notice of Rights.

(c) Grounds for approving a request for a waiver include:

1. Any of the circumstances specified in the taxation and finance state revenue laws of Section 213.755(9)(a) or (b), Florida Statutes; or,

2. The employer or the employer’s processor does not have access to the Internet.

(d) A waiver is valid for up to two years. The granting of a subsequent waiver is contingent on the employer or the employer’s processor working with the Department during the waiver period to address the issues that caused the Department to grant the waiver. The requirement to work with the Department means: discuss existing computer capabilities with Department personnel; consider any assistance, recommendations, or training the Department offers; and, implement any Department recommendation that enables the employer or employer’s processor to remit support payments and associated case data by electronic means, unless the employer or employer’s processor can establish that the circumstances or reasons in paragraph (7)(c) continue to apply. The Department shall issue subsequent waivers in accordance with this subsection.

(e) An employer may request an administrative hearing to contest the Department’s decision to deny the waiver. A written petition for an administrative hearing must be received by the Department of Revenue, Child Support Enforcement Program, Deputy Agency Clerk, 5050 West Tennessee Street, Building L, Tallahassee, FL 32339-0195, within twenty (20) days after receipt of form CS-FM47. Administrative hearings shall be conducted pursuant to Chapter 120, Florida Statutes.

(f) Members of the public may obtain a copy of the forms used in this rule chapter, incorporated by reference, without cost, by writing to the Department of Revenue, Child Support Enforcement Program, Attn.: Forms Coordinator, P. O. Box 8030, Tallahassee, Florida 32314-8030.

Specific Authority 61.1824(6), 409.2557(3)(o) FS. Law Implemented 61.1824(6) FS. History—New 5-31-07, Amended \_\_\_\_\_.

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF CORRECTIONS**

RULE NO.: 33-601.105 RULE TITLE: Restoration of Forfeited Gain Time

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Gain time; visiting restrictions.

SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.105 Restoration of Forfeited Gain Time.

Restoration of gain time as a positive management tool. Gain time that has been forfeited under the current commitment as a result of disciplinary action or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release shall be subject to restoration when the restoration would produce the same or greater benefits as those derived from the forfeiture in the first place. Only those inmates whose adjustment and performance since their last disciplinary report or revocation of parole, provisional release, supervised community release, conditional medical release, control release, or conditional release has exceeded that which is required to comply with all the behavioral objectives are eligible for consideration. The restoration shall only be considered when the inmate has clearly performed positively over a period of time and it appears the inmate will continue this positive adjustment without further violating the rules of the department or the laws of the state and the inmate is serving that portion of the sentence which, but for the forfeiture of gain time, would have been completed.

(1) Eligibility.

(a) Restoration of gain time due to loss by disciplinary action:

1. through 3. No change.

4. The following groups of inmates shall not be eligible for restoration of forfeited gain time:

a. No change.

b. Inmates who have been found guilty of one of the following disciplinary offenses during their current commitment:

1-1 Assault or battery or attempted assault or battery with a deadly weapon;

1-2 Unarmed Assault, where a physical attack was made against department staff;

1-5 Sexual Battery;

1-7 Aggravated battery or attempted aggravated battery on a correctional officer;

1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer;

1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

1-10 Aggravated battery or attempted aggravated battery on an inmate;

1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer:

1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.):

1-14 Aggravated assault or attempted aggravated assault on an inmate:

1-15 Battery or attempted battery on a correctional officer:

1-16 Battery or attempted battery on staff other than correctional officer:

1-17 Battery or attempted battery on someone other than staff or inmates(vendor, etc.):

1-18 Battery or attempted battery on an inmate:

1-19 Assault or attempted assault on a correctional officer:

1-20 Assault or attempted assault on staff other than correctional officer:

1-21 Assault or attempted assault on someone other than staff or inmates(vendor, etc.):

1-22 Assault or attempted assault on an inmate:

2-1 Participating in riots, strikes, mutinous acts or disturbances;

3-1 Possession of weapons, ammunition, or explosives;

3-4 Trafficking in Drugs;

4-1 Escape or attempted escape.

5. through 6. No change.

(b) No change.

(2) No change.

Specific Authority 944.09, 944.275 FS. Law Implemented 944.09, 944.275, 944.28 FS. History–New 11-27-84, Formerly 33-11.15, Amended 10-12-89, 8-29-91, 10-13-93, Formerly 33-11.015, Amended 8-30-01, 4-30-02,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-601.602 Community Release Programs

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Form DC6-127, Checklist for Transfers to Work Release Centers, for clarity.

SUBJECT AREA TO BE ADDRESSED: Work release.

SPECIFIC AUTHORITY: 945.091, 946.002 FS.

LAW IMPLEMENTED: 945.091, 946.002 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.602 Community Release Programs.

(1) through (15) No change.

(16) Forms. The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) through (h) No change.

(i) DC6-127, Checklist for Transfers to Work Release Centers, effective ~~7-17-07~~.

(j) No change.

Specific Authority 945.091, 946.002 FS. Law Implemented 945.091, 946.002 FS. History–New 12-7-97, Amended 4-13-98, 10-20-98, Formerly 33-9.023, Amended 3-14-01, 9-2-01, 10-27-03, 3-2-04, 10-28-04, 2-7-05, 2-22-07, 7-17-07,\_\_\_\_\_.

**DEPARTMENT OF CORRECTIONS**

RULE NO.: RULE TITLE:

33-601.720 Sex Offender Visiting Restrictions

PURPOSE AND EFFECT: The purpose and effect of the proposed rules is to reflect disciplinary charges recently added to Rule 33-601.314, F.A.C.

SUBJECT AREA TO BE ADDRESSED: Gain time; visiting restrictions.

SPECIFIC AUTHORITY: 944.09, 944.23, 944.275 FS.

LAW IMPLEMENTED: 20.315, 944.09, 944.23, 944.275, 944.28 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.720 Sex Offender Visiting Restrictions.

(1) through (2) No change.

(3) The warden shall also consider the disciplinary history of the inmate when making the determination of whether to allow visitation. In order to be eligible to visit, an inmate must not have been found guilty of any of the following disciplinary charges in Rule 33-601.314, F.A.C., during the three months prior to the request for visitation:

(a) through (e) No change.

(f) 1-7 Aggravated battery or attempted aggravated battery on a correctional officer:

(g) 1-8 Aggravated battery or attempted aggravated battery on staff other than correctional officer:

(h) 1-9 Aggravated battery or attempted aggravated battery on someone other than staff or inmates (vendor, etc.);

(i) 1-10 Aggravated battery or attempted aggravated battery on an inmate;

(j) 1-11 Aggravated assault or attempted aggravated assault on a correctional officer;

(k) 1-12 Aggravated assault or attempted aggravated assault on staff other than correctional officer;

(l) 1-13 Aggravated assault or attempted aggravated assault on someone other than staff or inmates (vendor, etc.);

(m) 1-14 Aggravated assault or attempted aggravated assault on an inmate;

(n) 1-15 Battery or attempted battery on a correctional officer;

(o) 1-16 Battery or attempted battery on staff other than correctional officer;

(p) 1-17 Battery or attempted battery on someone other than staff or inmates (vendor, etc.);

(q) 1-18 Battery or attempted battery on an inmate;

(r) 1-19 Assault or attempted assault on a correctional officer;

(s) 1-20 Assault or attempted assault on staff other than correctional officer;

(t) 1-21 Assault or attempted assault on someone other than staff or inmates (vendor, etc.);

(u) 1-22 Assault or attempted assault on an inmate;

(f) through (q) renumbered (v) through (gg) No change.

(4) through (6) No change.

Specific Authority 944.09, 944.23 FS. Law Implemented 20.315, 944.09, 944.23 FS. History—New 11-18-01, Amended 5-29-03, 9-29-03, 4-17-05,\_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|            |                        |
|------------|------------------------|
| RULE NOS.: | RULE TITLES:           |
| 40D-1.607  | Permit Processing Fee  |
| 40D-1.659  | Forms and Instructions |

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a new Environmental Resource Permit (ERP) Modification Short Form application form to be used instead of a letter for applicants seeking certain minor modifications to ERPs. The effect will be to standardize the application process for certain minor ERP modifications. Additional amendments are made to Rule 40D-1.603, F.A.C., to replace the term “renewal” with the term “extension.”

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.109, 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421, 373.421(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.607 Permit Processing Fee.

A permit application processing fee is required and shall be paid to the District when certain applications are filed pursuant to District rules. These fees are assessed in order to defray the cost of evaluating, processing, advertising, mailing, compliance monitoring and inspection, required in connection with consideration of such applications. Fees are non-refundable in whole or part unless the activity for which an application is filed is determined by the District to qualify for a permit with a lower fee or not require a permit. Failure to pay the application fees established herein is grounds for the denial of an application or revocation of a permit. The District’s permit application processing fees are as follows:

(1) through (2) No change.

(3) The following types of applications are exempt from the fees identified in subsection (1):

(a) No change.

(b) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-4.331(2)(b) or subsection 40D-40.331(2), F.A.C.

(c) through (f) No change.

(4) through (7) No change.

(8) The following types of applications are exempt from the fees identified in subsection (7):

(a) ~~LETTER~~ PERMIT MODIFICATIONS USING MODIFICATION SHORT FORM: Applications for ~~letter~~ permit modifications using the Modification Short Form authorized pursuant to paragraph 40D-2.331(2)(b), F.A.C.

(9) through (10) No change.

(11) Chapter 40D-40, F.A.C., general site conditions assessment permit:

(a) through (b) No change.

(c) Application for formal modification of an existing site conditions assessment permit by adjustment, expansion, transfer, extension ~~renewal~~, or conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction and operation permit:

1. For adjustment, expansion, transfer or extension ~~renewal~~ of contiguous project area and permitting of the same or additional site condition boundaries, one-half the basic fee applicable to a new application;

2. No change.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.109, 373.421(2) FS. History—Readopted 10-5-74, Amended 12-31-74, 10-24-76, 7-21-77, Formerly 16J-0.111, Amended 10-1-88, 1-22-90, 12-27-90, 11-16-92, 1-11-93, 3-23-94, Formerly 40D-0.201, Amended 12-22-94, 10-19-95, 3-31-96, 7-23-96, 10-16-96, 10-26-00, 3-15-01, 9-26-02, 8-7-03, 6-5-05, 2-6-07, \_\_\_\_\_.

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (25) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

(15) ENVIRONMENTAL RESOURCE PERMIT MODIFICATION SHORT FORM, FORM NO. LEG-R.002.00 (\_\_\_\_\_)

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 1-11-07, 11-25-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:

40D-1.659                      Forms and Instructions

PURPOSE AND EFFECT: The purpose of this rulemaking is to incorporate by reference a revised Supplemental Form that is submitted as part of a Water Use Permit application for withdrawals located within the Southern Water Use Caution Area of the District. The effect will be to eliminate the requirement to attach an Alternative Water Supply Feasibility Report as part of the documentation submittal requirements for completing applications to renew or modify small general water use permits (withdrawals of less than 100,000 gallons per day on an annual average basis), provided the applicant certifies that use of alternative water supplies is not feasible.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171, 373.337 FS.

LAW IMPLEMENTED: 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-1.659 Forms and Instructions.

The following forms and instructions have been approved by the Governing Board and are incorporated by reference into this chapter. Copies of these forms may be obtained from the District.

GROUND WATER

(1) through (20) No change.

(21) SUPPLEMENTAL FORM – SOUTHERN WATER USE CAUTION AREA, FORM NO. LEG-R.007.010 ~~(11/07)(09/07)~~.

(22) through (25) No change.

SURFACE WATER

Application for Permit – Used for Docks or Piers and Bulkheads

(1) through (14) No change.

Specific Authority 373.044, 373.113, 373.149, 373.171, 373.337 FS. Law Implemented 373.116, 373.206, 373.207, 373.209, 373.216, 373.219, 373.229, 373.239, 373.306, 373.308, 373.309, 373.313, 373.323, 373.324, 373.413, 373.414, 373.416, 373.419, 373.421 FS. History—New 12-31-74, Amended 10-24-76, Formerly 16J-0.40, 40D-1.901, 40D-1.1.901, Amended 12-22-94, 5-10-95, 10-19-95, 5-26-96, 7-23-96, 2-16-99, 7-12-99, 7-15-99, 12-2-99, 5-31-00, 9-3-00, 10-26-00, 6-26-01, 11-4-01, 6-12-02, 8-25-02, 2-26-03, 9-14-03, 9-30-04, 2-1-05, 6-5-05, 10-19-05, 2-6-07, 2-26-07, 9-27-07, 11-11-07, 11-25-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:

40D-2.091                      Publications Incorporated by Reference

PURPOSE AND EFFECT: The proposed amendments make changes so that all provisions relating to permit transfers and certain reporting requirements are updated and consistent with prior rulemaking. The first update relates to an October 2005,



rulemaking for the standard condition set forth in paragraph 40D-2.381(3)(p), F.A.C. That condition was modified to require new owners of land and withdrawal facilities included on a water use permit to transfer the water use permit within 45 days of the sale to themselves and prior to using the water. The correlative standard condition in Chapter 6 of the Basis of Review was not modified. This rulemaking would remedy this inconsistency. Section 6.2 of the WUP Basis of Review contains two Special Conditions that are placed on permits that pertain to reporting requirements. Because these conditions have been independently revised over time, inconsistencies have arisen. This rulemaking would remedy the problem by combining the two conditions into one.

**SUBJECT AREA TO BE ADDRESSED:** The proposed amendments make consistent provisions relating to transfer of water use permits and provisions relating to reporting requirements included in water use permits.

**SPECIFIC AUTHORITY:** 373.044, 373.113, 373.118, 373.171 FS.

**LAW IMPLEMENTED:** 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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:** Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

(1) Water Use Permit Information Manual Part B, "Basis of Review (\_\_\_\_) (~~10/07~~) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);

(2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History—New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 11-25-07, \_\_\_\_\_.

## Water Use Permit Information Manual

### Part B Basis of Review

#### 6.1 STANDARD PERMIT CONDITIONS

The following conditions are placed on all Water Use Permits:

1. through 15. No change.

16. ~~Notwithstanding the provisions of Rule 40D-1.6105, F.A.C., persons who wish to continue the water use permitted herein and who have acquired ownership or legal control of permitted water withdrawal facilities or the land on which the facilities are located must apply to transfer the permit to themselves within 45 days of acquiring ownership or legal control of the water withdrawal facilities or the land. The permittee shall notify the District within 30 days of the sale or conveyance of the permitted water withdrawal facilities or the land on which the facilities are located. Where a permit has been issued to a party whose ownership or legal control of the permitted water withdrawal facilities subsequently terminates, the party subsequently controlling the permitted water withdrawal facilities may apply to transfer the permit to himself or herself up to the renewal date of the transferor's permit notwithstanding the provisions of Chapter 40D 0.381(1), F.A.C. The District will transfer the permit provided the source, use and withdrawal quantities remain the same. All terms and conditions of the permit shall become binding on the transferee.~~

17. through 19. No change.

No. 19 New 1-1-03, Amended 1-1-07; No. 16 Amended

#### 6.2 SPECIAL PERMIT CONDITIONS

1. ~~Permitting Report Condition Submitting Data Condition:~~ All reports ~~and~~ of data required by condition(s) of the permit shall be submitted to the District according to the due date(s) contained in the specific condition. If the report or data is received on or before the tenth day of the each month following data collection, it shall be deemed as a timely submittal. The Permittee may use the District's website to submit data, plans or reports online. To set up an account, the Permittee can address the request to permitdata@watermatters.org.

All mailed reports and data are to be sent and shall be addressed to:

Permits Data Section, Regulation Performance Management Department

Southwest Florida Water Management District  
2379 Broad Street

Brooksville, Florida 34604-6899

Submission of plans and reports: Unless submitted online or otherwise indicated in the special condition, the original and two copies of each plan and report, such as conservation plans, environmental analyses, aquifer test results, per capita annual reports, etc. are required.

Submission of data: Unless otherwise indicated in the special condition, an original (no copies) is required for data submittals such as crop report forms, meter readings and/or pumped, rainfall, water level evapotranspiration, or water quality data.

~~Discussion: This condition is included on all permits with data reporting requirements such as pumped, water quality, mitigation, water level, environmental monitoring, and any other reports.~~

~~2. Submitting Reports Condition: Unless otherwise indicated, three copies of each report are required by the permit and shall be provided to the Director, Resource Regulation Department, by the Permittee.~~

~~Discussion: This condition is used whenever reports, other than data, are required in a permit. This condition includes annual or quarterly reports, description of monitoring and mitigation plans, plans to reduce off-site discharge, investigation of reuse, investigation of complaints, water quality control and assurance program, and sampling and analysis procedures.~~

Amended \_\_\_\_\_

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:                            |
| 40D-2.091 | Publications Incorporated by Reference |

PURPOSE AND EFFECT: The purpose of these rule amendments is to incorporate by reference a revised Water Use Permit Information Manual Part B, "Basis of Review" (BOR). The effect of the amendments made to the BOR will be to reduce the documentation required to be submitted in support of water use permit renewal and modification applications involving small general permits (withdrawals of less than 100,000 gallons per day on an annual average basis), where the documentation has previously been submitted or is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met. This will help streamline the permitting process for the renewal or modification of small general water use permits, which have minimal adverse impact on the water resources of the District, and facilitate electronic processing for such permit applications.

SUBJECT AREA TO BE ADDRESSED: Water Use Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-2.091 Publications Incorporated by Reference.

The following publications are hereby incorporated by reference into this Chapter, and are available from the District upon request:

- (1) Water Use Permit Information Manual Part B, "Basis of Review (\_\_\_\_)(10/07) and Part D, "Requirements for the Estimation of Permanent and Temporal Service Area Populations in the Southern Water Use Caution Area (1/07);
- (2) through (5) No change.

Specific Authority 373.044, 373.113, 373.118, 373.171 FS. Law Implemented 373.036, 373.0361, 373.042, 373.0421, 373.0831, 373.116, 373.117, 373.118, 373.149, 373.171, 373.1963, 373.216, 373.219, 373.223, 373.229, 373.239, 373.243 FS. History–New 10-1-89, Amended 11-15-90, 2-10-93, 3-30-93, 7-29-93, 4-11-94, 7-15-98, 7-28-98, 7-22-99, 12-2-99, 8-3-00, 9-3-00, 4-18-01, 4-14-02, 9-26-02, 1-1-03, 2-1-05, 10-19-05, 1-1-07, 8-23-07, 10-1-07, 10-22-07, 11-25-07, \_\_\_\_\_.

**WATER USE PERMIT INFORMATION MANUAL PART B  
BASIS OF REVIEW FOR WATER USE PERMIT APPLICATIONS**

**1.4.1 SWUCA APPLICATION FORMS**

All Permit Applicants in the SWUCA shall submit the "Supplemental Form – Southern Water Use Caution Area," Form No. LEG -R.007.01 (11/07) ~~LEG-R.007.00(06/07)~~ in addition to the appropriate application and supplemental form(s) described in section 1.4, above. Applicants for public supply quantities of 100,000 gallons per day or more, including water imported wholesale, shall submit the "Public Supply Supplemental Form – Southern Water Use Caution Area," Form No. LEG-R.012.00 (06/07). Permit Applicants in the SWUCA shall also submit the following application and supplemental forms appropriate for their situation and intended water use type as described in Chapters 3 and 4 of Part B of this Basis of Review for Water User Permit Applications" (\_\_\_\_), of the Water Use Permitting Manual:

- 1. through 3. No change.

New 6-26-07. Amended (\_\_\_\_)

**2.0 ADMINISTRATIVE CONSIDERATIONS**

## 2.1 APPLICANT CONTROL OF PROPERTY AND ACTIVITIES

1. Applicants must demonstrate ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are or will be located. Applicants seeking renewal or modification of a water use permit authorizing withdrawals of less than 100,000 gpd on an annual average basis will not be required to demonstrate continued ownership or legal control, provided current property appraiser records confirm that there is no change in property ownership or control from what is documented in District records for the permit to be renewed or modified. Except for Self-Relocations as described below, applications for leased property, except property leased from the District, must be either a joint application in the name of the lessee and the property owner(s) or be only in the name of the property owner(s). If there are multiple property owners, all owners must sign the permit application form or sign an attachment to the permit application form indicating their joinder in the permit application, and all property owners will be permittees on the water use permit, when issued. In the case of an application for Self-Relocation, a permit may be issued solely to the lessee if the lessee and the permittee on the permit to be Self-Relocated are identical. For related rules on this issue, see Rules 40D-1.6105, 40D-2.351, and paragraphs 40D-2.381(3)(p) and (q), F.A.C., and Section 1.10 and 6.1, Basis of Review for Water Use Permit Applications.

2. through 5. No change.

Amended 1-1-07, (\_\_\_\_).

## 3.0 REASONABLE WATER NEEDS

This section describes the factors involved in determining appropriate permit quantities for a particular water use. The quantity of water needed is a function of demand for water, efficiency of the water treatment and distribution systems, water acquired from other sources, water sold or transferred to other entities, and conservation practices employed. Section 3.1 describes the factors to consider in determining the appropriate quantities. Section 3.2 describes the units in which the quantities are identified on the permit. The remaining sections (3.3 through 3.7) describe the procedures for estimating water needs using the components of demand for each water use type. The information to be provided by permit applicants as described in this Chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and the applicant's water use needs have not changed since the previously issued permit or permit revision.

## 4.0 CONDITIONS FOR ISSUANCE-TECHNICAL CRITERIA

Section 373.223, Florida Statutes (F.S.), provides a three-prong test for evaluating each proposed water use: the use must be reasonable and beneficial, must not interfere with any existing legal use of water, and must be consistent with the public interest. Reasonable assurances that water use on both an individual and cumulative basis meets this three-prong test is provided by the Applicant's compliance with the Conditions for Issuance, set forth in Rule 40D-2.301, Florida Administrative Code (F.A.C.).

This Chapter provides guidelines for determining whether a water use meets the Conditions for Issuance set forth in Rule 40D-2.301, F.A.C. If the criteria described in this Chapter are not met, Applicants may consider reduction of withdrawal quantities, a pumpage rotation schedule, mitigation, or other means to bring a proposed use into compliance with the Conditions For Issuance. For some criteria, presumptions have been developed to facilitate evaluation. If site-specific information is provided which demonstrates that the presumption is incorrect, this information will be used to evaluate compliance with the performance standards. For projects within the SWUCA with the purpose of restoration or enhancement of impaired or impacted water bodies, the existing condition referred to in the performance standards is considered to be the natural condition unaffected by withdrawals, structural alterations or changes rather than the impaired or impacted condition that exists currently. The information to be provided by permit applicants as described in this chapter is required for all new water use permits and for renewal or modification of all existing water use permits, with the exception that applicants seeking to renew or modify water use permits authorizing withdrawal quantities of less than 100,000 gallons per day on an annual average basis will not be required to submit documentation with their application if the documentation requested has previously been submitted or the information is documented in District records and all conditions for issuance as established for the previously issued permit or permit revision continue to be met.

Amended (\_\_\_\_)

## WATER MANAGEMENT DISTRICTS

### Southwest Florida Water Management District

RULE NO.: 40D-4.091  
 RULE TITLE: Publications and Agreements  
 Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the proposed rulemaking is to adopt by reference an operating agreement between the U.S. Army Corps of Engineers (ACOE) and the District. The operating agreement outlines the procedures to be followed by the ACOE and the District to implement the ACOE's Programmatic General Permit – PGP-SAJ-95. PGP-SAJ-95 addresses multi-phase projects that are being

developed pursuant to a conceptual environmental resource permit. Currently such projects require construction permits from both the ACOE and the District prior to each phase of construction. The effect of implementing PGP-SAJ-95 will streamline permitting of such projects by eliminating the need for a separate approval from the ACOE once it has approved the conceptual design.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.171, 373.414 FS.

LAW IMPLEMENTED: 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 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: Karen E. West, Deputy General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.091 Publications and Agreements Incorporated by Reference.

The following documents are hereby incorporated into this chapter and Chapters 40D-40 and 40D-400, F.A.C.:

(1) through (4) No change.

(5) Operating Agreement Between the U.S. Army Corps of Engineers and the Southwest Florida Water Management District (SWFWMD) Located within the Geographical Limits of the SWFWMD in Florida, Pursuant to Programmatic General Permit (PGP) PGP-SAJ-95.

Specific Authority 373.044, 373.046, 373.113, 373.171, 373.414 FS. Law Implemented 373.0361, 373.114, 373.171, 373.403, 373.413, 373.414, 373.416, 373.429, 373.441 FS. History—New 4-2-87, Amended 3-1-88, 9-11-88, 10-1-88, 4-1-91, 11-16-92, 1-30-94, 10-3-95, 12-26-95, 5-26-96, 7-23-96, 4-17-97, 4-12-98, 7-2-98, 12-3-98, 7-28-99, 8-3-00, 9-20-00, 6-12-01, 10-11-01, 2-27-02, 7-29-02, 3-26-03, 7-23-03, 8-3-03, 3-11-04, 6-7-04, 2-1-05, 6-30-05, 10-19-05, 2-8-06, 5-2-06, 7-1-07, 9-25-07, 11-26-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

RULE NO.:                      RULE TITLE:

40D-4.331                      Modification of Permits

PURPOSE AND EFFECT: The purpose of this rulemaking is to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of

ERPs, and to allow applications to extend the duration of an ERP to be made using this new form. Modifications allowable through use of the Modification Short Form do not require an application fee. Rule amendments also eliminate the requirement to determine that completed construction complies with a currently valid permit when a permittee applies to extend the duration of a permit. Amendments also replace the term "renewal" with the term "extension." The effect of these amendments will be to standardize the process for seeking minor modifications of ERPs.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.149, 373.171 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429, 373.805 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-4.331 Modification of Permits.

An application for modification of an Environmental Resource Permit shall be processed in accordance with this rule, unless the permit is revoked, suspended or expired.

(1) No change.

(2) Applications to modify a construction permit shall be made:

(a) No change.

(b) By submittal of a Modification Short Form application ~~letter~~, provided the requested modification does not:

1. through 4. No change.

5. Decrease the required flood control elevations for roads or buildings, or

6. Decrease pollution removal efficiency, ~~or~~

~~7. Renew or extend the existing permit duration.~~

(3) Applications for modification of a site conditions assessment permit shall be made by formal application and reviewed using the same criteria as new applications:

(a) through (b) No change.

(c) For any ~~renewal~~ or extension of a current permit, or

(d) For conversion to a Chapter 40D-4 or 40D-40, F.A.C., construction permit application, except that the permitted site conditions shall remain as permitted.

(4) Application for permit modification to ~~renew or~~ extend the existing permit duration of a construction permit or conceptual permit should be made using the “Environmental Resource Permit Modification Short Form.” ~~adopted by reference in Rule 40D-1.659, F.A.C. shall occur by formal application and review, and~~ Such requests shall be submitted no sooner than 180 days prior to the permit expiration date.

(a) A modification for construction permit ~~extension renewal~~ will be granted if it is reasonably assured by the applicant and determined that ~~any completed construction is in compliance with a currently valid permit, and~~ the proposed construction will be in compliance with the District’s rules in effect at the time the application for modification to extend ~~renew~~ is filed.

(b) Applications for ~~conceptual permit renewal and~~ site conditions assessment permit ~~renewal or~~ extension must comply with the same criteria as new applications.

(c) Each modification to ~~renew or~~ extend will ~~can~~ be granted for a duration as needed, up to five years for construction permits and site conditions assessment permits, and up to two years for conceptual permits.

Specific Authority 373.044, 373.113, 373.149, 373.171 FS. Law Implemented 373.413, 373.416(1), 373.429, 373.805 FS. History—Readopted 10-5-74, Formerly 16J-4.13, Amended 10-1-84, 3-1-88, 10-1-88, 6-29-93, 10-3-95, 7-23-96, 2-1-05, 2-6-07, \_\_\_\_\_.

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|            |                                       |
|------------|---------------------------------------|
| RULE NOS.: | RULE TITLES:                          |
| 40D-8.021  | Definitions                           |
| 40D-8.031  | Implementation                        |
| 40D-8.624  | Guidance and Minimum Levels for Lakes |

PURPOSE AND EFFECT: In the early 1980s, the District began incorporating ten year flood levels for lakes into its minimum flows and levels rules. The ten year flood level was at one time used by the Department of Health as a criterion for permitting septic tank construction in floodways. The District also included the level in its rules as advisory for those constructing lakeshore improvements. Specific references regarding use of the ten year flood level for septic tank location and construction are not now included in current District minimum flows and levels rules. Given that the Department of Health no longer utilizes ten year flood levels for septic tank permitting and that the flood levels are similarly not used for District regulatory programs, the ten year flood guidance levels are proposed to be repealed from District rules to promote organizational efficiency by eliminating unnecessary rules.

SUBJECT AREA TO BE ADDRESSED: Repeal of the methodology used to establish the ten year flood guidance level for lakes and repeal of previously adopted ten year flood guidance levels.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086, 373.216, 373.219, 373.223, 373.229, 373.413, 373.414, 373.416 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: Karen A. Lloyd, Assistant General Counsel, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

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

**WATER MANAGEMENT DISTRICTS**

**Southwest Florida Water Management District**

|            |                         |
|------------|-------------------------|
| RULE NO.:  | RULE TITLE:             |
| 40D-40.331 | Modification of Permits |

PURPOSE AND EFFECT: The purpose of this rulemaking is to amend Rule 40D-40.331, F.A.C., to require use of a new Environmental Resource Permit (ERP) Modification Short Form application form instead of a letter when permittees apply for certain minor modifications of a Standard General ERP. The effect is to standardize permit modification applications for minor modifications.

SUBJECT AREA TO BE ADDRESSED: Environmental Resource Permitting.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.118 FS.

LAW IMPLEMENTED: 373.413, 373.416(1), 373.429 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: Martha A. Moore, Senior Attorney, Office of General Counsel, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4651

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40D-40.331 Modification of Permits.

A request for modification to ~~renew or~~ extend a permit issued under this chapter shall be made in accordance with this rule. Requests to modify permits shall be made:

(1) No change.

(2) By submittal of a Modification Short Form application letter for general construction and operation permits provided the requested modification does not exceed the conditions of paragraph 40D-4.331(2)(b), F.A.C.

Specific Authority 373.044, 373.113, 373.118 FS. Law Implemented 373.413, 373.416(1), 373.429 FS. History--New 10-1-84, Amended 3-1-88, 10-3-95, 7-23-96, 4-17-97, 9-26-02, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.: 59G-13.091  
RULE TITLE: Family and Supported Living Waiver Provider Rate Table

PURPOSE AND EFFECT: The purpose of Rule 59G-13.091, F.A.C., is to incorporate by reference in rule the Family and Supported Living Waiver Provider Rate Table, January 1, 2008. The effect will be to incorporate by reference in rule Family and Supported Living Waiver Provider Rate Table, January 1, 2008.

SUBJECT AREA TO BE ADDRESSED: Family and Supported Living Waiver Provider Rate Table.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 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: Wednesday, January 2, 2008, 2:00 p.m.  
PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, [Kyllonep@ahca.myflorida.com](mailto:Kyllonep@ahca.myflorida.com)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-13.091 Family and Supported Living Waiver Provider Rate Table.

(1) No change.

(2) All family and supported living waiver services providers enrolled in the Medicaid program must be in compliance with the Family and Supported Living Waiver Provider Rate Table, January 1, 2008 ~~2007~~, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 409.906, 409.908 FS. History--New 10-18-07, Amended \_\_\_\_\_.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 64B-1.003  | Examination Administration  |
| 64B-1.005  | Licensure Examination Format; Examination Procedures for Candidates with Disabilities |
| 64B-1.009  | Requesting a Pre-hearing Review   |
| 64B-1.011  | Requirements and Standards of a National Examination                                  |
| 64B-1.013  | Post-Examination Review   |
| 64B-1.016  | Fees: Examination and Post-Examination Review   |

PURPOSE AND EFFECT: It is the purpose of this rule development process to enact rules to implement the changes to Chapter 456, F.S. Other changes or new text within the rule chapters listed above may also be addressed.

SUBJECT AREA TO BE ADDRESSED: The proposed amendments will affect the terminology in the Game manual and make it consistent with the department's current responsibilities and authority for examination administration. The proposed amendments will affect and clarify procedures for candidates who arrive late for an examination administration. The proposed amendments will affect the time frame that a candidate can re-examine after failure of an examination. The proposed amendments will clarify the department's procedures for special testing accommodations related to national examinations. The proposed amendments will affect and clarify the time frame that a candidate may request special testing accommodations based on religious beliefs. The proposed amendments will clarify the procedures by which a candidate may request a Pre-hearing review. The proposed amendments will reflect the department's current business processes as it relates to recertification of National examinations. The proposed amendments will clarify the department's current business processes as it relates to post-examination review. The proposed amendments will affect the examination fees based on the requirement that the department adjust examination fees periodically to cover the actual cost of the examination.

SPECIFIC AUTHORITY: 456.004(5), 456.004(10), 456.013(1), 456.014, 456.017(1), 456.017(1)(a),(d),(f), 456.017(1)(b), 456.017(1)(c), 456.017(2) FS.

LAW IMPLEMENTED: 456.004(10), 456.013(1), 456.014; 456.017, 456.017(1), 456.017(1)(a),(d), 456.017(1)(c), 456.017(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Jennifer Wenhold, Manager Testing Services Unit, 4042 Bald Cypress Way, Bin C90, Tallahassee, Florida 32399-3290, (850)245-4253

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

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-12.001  
 RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The purpose of this notice is to amend the disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.

SUBJECT AREA TO BE ADDRESSED: The disciplinary guidelines pertaining to a violation of Section 483.825(1)(h), F.S.

SPECIFIC AUTHORITY: 456.079, 483.805(4) FS.

LAW IMPLEMENTED: 456.072, 456.079, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-12.001 Disciplinary Guidelines.

(1) No change.

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

(h) Section 483.825(1)(h), F.S.: Reporting a test result when no laboratory test was performed on a clinical specimen – ~~from a minimum fine of \$500 and/or six months of probation to a maximum fine of \$2,000 and one year of suspension. For a second offense, from a minimum fine of \$1,000 and six months of probation to a maximum fine of \$7,500 and/or up to three years suspension. After the second offense, up to a maximum fine of \$10,000 and/or revocation.~~

(i) through (y) No change.

(3) through (6) No change.

Specific Authority 456.079, 483.805(4) FS. Law Implemented 456.072, 456.079, 483.825, ~~483.827~~ FS. History–New 8-3-93, Formerly 61F3-12.001, Amended 2-7-95, 5-3-95, 12-4-95, Formerly 59O-12.001, Amended 3-19-98, 9-20-98, 10-6-02, 2-23-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-13.001  
 RULE TITLE: Responsibilities of Directors

PURPOSE AND EFFECT: The purpose of this notice is to update the citations within subsection 64B3-13.001(3), F.A.C., so that the subsection conforms to the proposed amendments to Rule 64B3-5.007, F.A.C.

SUBJECT AREA TO BE ADDRESSED: The responsibilities associated with directing a clinical laboratory performing highly complex testing.

SPECIFIC AUTHORITY: 483.805(4) FS.

LAW IMPLEMENTED: 483.800, 483.813, 483.823, 483.825 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: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin #C07, Tallahassee, Florida 32399-3257

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B3-13.001 Responsibilities of Directors.

(1) through (2) No change.

(3) A director not certified by the American Board of Pathology in clinical pathology qualified pursuant to paragraph 64B3-5.007(2)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology subsection 64B3-5.007(3), F.A.C., who is directing a clinical laboratory performing highly complex testing, shall ensure a co-director certified by the American Board of Pathology in clinical pathology qualified under paragraph 64B3-5.001(1)(a), F.A.C., or by the American Board of Oral Pathology, the American Board of Pathology or the American Osteopathic Board of Pathology subsection 64B3-5.001(3), F.A.C., is available to provide clinical consultation and technical supervision consistent with the scope and volume of highly complex testing being performed as defined in 42 C.F.R. 493.10 and 42 C.F.R. 493.17 which are incorporated by reference. Directors certified by the American Board of Oral Pathology, the American Board of Pathology, or the American Osteopathic Board of Pathology qualifying pursuant to subsection 64B3-5.001(3), F.A.C., shall provide

clinical consultation only in the specialty area(s) for which they are board certified or have 4 years of pertinent clinical laboratory experience.

(4) through (7) No change.

Specific Authority 483.805(4) FS. Law Implemented 483.800, 483.813, 483.823, 483.825 FS. History–New 12-6-94, Amended 3-28-95, Formerly 590-13.001, Amended 4-7-02, 5-24-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-3.004  
 RULE TITLE: Inactive, Delinquent and Retired Status Fees

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to address the reduction of inactive and delinquent status fees for physicians.

SUBJECT AREA TO BE ADDRESSED: Reduction in inactive and delinquent status fees.

SPECIFIC AUTHORITY: 456.036, 458.309 FS.

LAW IMPLEMENTED: 456.036, 458.3145, 458.316, 458.3165, 458.345 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:

64B8-3.004 Inactive, Delinquent and Retired Status Fees.

(1) The fees for individuals holding a medical license, a temporary certificate to practice in areas of critical need, or a limited license shall be:

(a) The fee for an inactive status license shall be \$360.00 ~~\$385.00~~.

(b) No change.

(c) The fee for delinquent status as set forth in subsection 456.036(7), F.S., shall be \$360.00 ~~\$385.00~~.

(d) through (f) No change.

(2) No change.

Specific Authority 456.036, 458.309 FS. Law Implemented 456.036, 458.3145, 458.316, 458.3165, 458.345 FS. History–New 2-13-95, Amended 10-10-95, 12-18-95, Formerly 59R-3.004, Amended 8-11-98, 11-20-01, 3-25-02, 11-10-02, 4-25-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-4.024  
 RULE TITLE: Restricted Licenses for Areas of Critical Need

PURPOSE AND EFFECT: The Board proposes the development of a rule amendment to address entities appropriate for area of critical need licenses.

SUBJECT AREA TO BE ADDRESSED: Licenses for areas of critical need.

SPECIFIC AUTHORITY: 458.309, 458.310 FS.

LAW IMPLEMENTED: 458.310 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:

64B8-4.024 Restricted Licenses for Areas of Critical Need.

(1) Areas of critical need, as that term is used in Section 458.310, F.S., are state mental institutions, state institutions for the mentally retarded, the Department of Corrections, all governmental correctional and detention facilities, and health manpower shortages areas established by the United States Department of Health and Human Services.

(2) Receipt of a restricted license does not automatically entitle the physician to a full, unrestricted license unless the requirements of Sections 458.311 and 458.313, F.S., in effect at the time of application for the full, unrestricted license are met.

Specific Authority 458.309, 458.310 FS. Law Implemented 458.310 FS. History–New 11-4-93, Formerly 61F6-22.024, 59R-4.024, Amended \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Medicine**

RULE NO.: 64B8-56.002  
 RULE TITLE: Equipment and Devices; Protocols for Laser and Light-Based Devices

PURPOSE AND EFFECT: The Board proposes the development of rule amendments to clarify use of laser and light-based devices for hair removal or reduction.

SUBJECT AREA TO BE ADDRESSED: Clarification of language with regard to the use of laser and light-based devices.



SPECIFIC AUTHORITY: 478.43 FS.

LAW IMPLEMENTED: 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) 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:

64B8-56.002 Equipment and Devices; Protocols for Laser and Light-Based Devices.

(1) No change.

(2) An electrologist ~~Licensed electrologists~~ may not use laser or and light-based devices for hair removal or reduction devices unless they:

(a) Have completed ~~a post licensure education~~ training ~~course~~ in laser and light-based hair removal and ~~or~~ reduction that meets the requirements set forth in approved by the Council pursuant to subsections 64B8-52.004(2) and (3), F.A.C.;

(b) through (d) No change.

(3) through (6) No change.

Specific Authority 478.43 FS. Law Implemented 458.331(1)(v), 458.348(3), 478.42(5), 478.43(4) FS. History–New 9-12-01, Amended 2-28-02, 7-23-06, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.: 64B14-3.001  
 RULE TITLE: Definitions

PURPOSE AND EFFECT: The purpose and effect of this rule development is to amend an existing definition and to delete another; and to add a definition for the acronym “CAPE.”

SUBJECT AREA TO BE ADDRESSED: Definitions.

SPECIFIC AUTHORITY: 468.802 FS.

LAW IMPLEMENTED: 468.802, 468.803, 468.807, 468.808, 468.809 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-3.001 Definitions.

As used in this chapter, the following terms shall mean:

(1) No change.

(2) ABC – The American Board for Certification in Orthotics, Prosthetics and ~~Prosthetics~~ Pedorthics, Inc.

(3) through (6) No change.

~~(7) BCP – Board for Certification in Pedorthics, Inc.~~

~~(7)(8)~~ BOC – Board for Orthotist/Prosthetist Certification, Inc.

~~(8)(8)~~ CAAHEP – Commission on Accreditation of Allied Health Education Programs.

(9) CAPE – Commission on Accreditation for Pedorthic Education.

(10) through (30) No change.

Specific Authority 468.802 FS. Law Implemented 468.802, 468.803, 468.807, 468.808, 468.809 FS. History–New 10-21-99, Amended 2-19-04, 5-5-04, 5-23-07, 8-8-07, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

|             |  |
|-------------|--|
| RULE NOS.:  | RULE TITLES:   |
| 64B14-4.001 | Approved Examinations  |
| 64B14-4.100 | Requirements for Prosthetic or Orthotic Residency or Internship            |
| 64B14-4.110 | Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthist |

PURPOSE AND EFFECT: The purpose and effect for Rule 64B14-4.001, F.A.C., is to delete inapplicable examinations required and to add a new required examination; for Rule 64B14-4.100, F.A.C., it is to delete a non-applicable requirement for Prosthetic or Orthotic Residency or Internship; for Rule 64B14-4.110, F.A.C., it is to amend the rule title and update the existing language.

SUBJECT AREA TO BE ADDRESSED: Approved Examinations; Requirements for Prosthetic or Orthotic Residency or Internship; Requirements for Orthotic Fitter, Orthotic Fitter Assistant and Pedorthic

SPECIFIC AUTHORITY: 456.017(1)(c), 468.802, 468.803 FS.

LAW IMPLEMENTED: 456.017(1)(c), 468.803 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-4.001 Approved Examinations.

(1) The board accepts the examination results of the following nations standards organization in lieu of administering a state examination:

(a) No change.

(b) Pedorthist – the ABC BCP certified pedorthic examination.

(c) No change.

(2) The board approves the following examinations for licensure pursuant to Section 468.805, F.S.:

(a) Orthotist prosthetist, prosthetist/orthotist – the written and written simulation modules of the ABC examination.

(b) Pedorthist – the BCP examination

Specific Authority 456.017(1)(c), 468.802, 468.803(2) FS. Law Implemented 456.017(1)(c), 468.803(2) FS. History–New 11-1-99, Amended 9-21-06,\_\_\_\_\_.

64B14-4.100 Requirements for Prosthetic or Orthotic Residency or Internship.

(1) through (7) No change.

(8) Prior to commencing a residency or internship, the resident/intern must submit a completed Registration Form. Form number DH-MQA 1114, 11/07.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 7-2-07,\_\_\_\_\_.

64B14-4.110 Requirements for Orthotic Fitter, Orthotic Fitter Assistant and ~~Pedorthic~~ Pedorthist.

(1) through (2) No change.

(3) Requirements for Licensure as a Pedorthist.

(a) The minimum 120 hours of training must meet the following requirements:

1. The training must take place in a program approved by ABC BCP.

2. No change.

(b) The internship must consist of 80 hours of pedorthic work experience under the direct supervision of a licensed orthotist, licensed pedorthist, an orthotist certified by ABC, or a pedorthist certified by ABC BCP.

Specific Authority 468.802, 468.803 FS. Law Implemented 468.803 FS. History–New 11-1-99, Amended 1-16-06, 9-21-06,\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Orthotists and Prosthetists**

RULE NO.:                      RULE TITLE:

64B14-5.002                      Continuing Education Requirement

PURPOSE AND EFFECT: The purpose and effect of this rule development is to delete obsolete language and update existing language.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

SPECIFIC AUTHORITY: 468.802, 468.806 FS.

LAW IMPLEMENTED: 456.013, 456.024, 468.806 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: Joe Baker, Jr., Executive Director, Board of Orthotists and Prosthetists, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B14-5.002 Continuing Education Requirement.

(1) As a condition of license renewal or recertification, each licensee must complete approved continuing education.

~~(a) For the biennium ending May 31, 2001, each licensee must complete 10 hours of continuing education.~~

~~(b) For each biennium ending after May 31, 2001, Each licensee must complete the following continuing education within 24 months immediately preceding the date license renewal is due:~~

~~1. through 5. No change.~~

~~(c) For each biennium ending after May 31, 2001, each licensee's continuing education must include one hour of continuing education on cardiopulmonary resuscitation; one hour on infectious diseases including HIV/AIDS; two hours of continuing education relating to prevention of medical errors which shall include a study of root cause analysis, error reduction and prevention, and patient safety and two hours on Chapters 456, 468, Part XIV, F.S., and Rule Chapter 64B14, F.A.C. The two hour course relating to the prevention of medical errors shall count toward the total number of continuing education hours required and shall be a course approved by the Board. For the biennium beginning December 1, 2007, each licensee's continuing education must include one hour of infectious diseases including HIV/AIDS; two hours on Chapters 456, 468 Part XIV, F.S., and Rule Chapter 64B14, F.A.C.; an up to date registration showing competency as a Healthcare Provider by the American Heart Association, the American Safety and Health Institute or the American Red Cross; and two hours of continuing education relating to the prevention of medical errors, which shall include a study of root cause analysis, error reduction and prevention, and patient safety. The two hour medical errors course shall be a course approved by the Board and shall count toward the total number of continuing education hours required for the biennium.~~

(2) through (3) No change.

(4) Each licensee may receive ~~five~~ ~~one~~ hour of continuing education credit in risk management by attending a meeting of the Board at which disciplinary cases are heard.

(5) Credit for continuing education is approved for the following:

(a) No change

(b) Courses offered for continuing education by FAOP and those approved by ABC ~~or BCP~~ for their respective professions.

(c) through (d) No change.

(6) through (8) No change.

~~(9) For the first renewal period after licensure the licensee is exempt from continuing education requirements of subsection 64B14 5.002(1), F.A.C., except for hours mandated for medical errors.~~

Specific Authority 468.802, 468.806 FS. Law Implemented 456.013, 456.024, 468.806 FS. History—New 7-1-98, Amended 5-18-00, 7-18-02, 11-11-02, 2-15-05, 11-1-05, \_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.:                      RULE TITLE:

64B32-2.001                   License by Endorsement

PURPOSE AND EFFECT: The Board proposes the rule amendment to change home study course requirements.

SUBJECT AREA TO BE ADDRESSED: License Endorsement.

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

LAW IMPLEMENTED: 468.358(2),(3), 468.365 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.:                      RULE TITLE:

64B32-4.002                   Reactivation of Retired Status  
License

PURPOSE AND EFFECT: The Board proposes the rule to amend course requirements for reactivation.

SUBJECT AREA TO BE ADDRESSED: Reactivation of retired status license.

SPECIFIC AUTHORITY: 456.036(7),(9), 468.353 FS.

LAW IMPLEMENTED: 456.036(7),(9) 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: Susan Love, Executive Director, Board of Respiratory Care/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF HEALTH**

**Board of Respiratory Care**

RULE NO.:                      RULE TITLE:

64B32-6.001                   Continuing Education Requirement

PURPOSE AND EFFECT: The rule amendment will add Emergency Preparedness to Continuing Education Requirements.

SUBJECT AREA TO BE ADDRESSED: Continuing Education Requirement.

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

LAW IMPLEMENTED: 468.361 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Respiratory Care Specialists/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

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

**DEPARTMENT OF CHILDREN AND FAMILY SERVICES**

**Economic Self-Sufficiency Program**

RULE NO.:                      RULE TITLE:

65A-1.900                      Overpayment and Benefit Recovery

PURPOSE AND EFFECT: Amendment to the proposed rule aligns policies for recovery of overpayment in the public assistance programs. Technical and non-substantive changes in the rule language are included.

**SUBJECT AREA TO BE ADDRESSED:** The proposed rule amends language about who is responsible for repayment of overpayment of public assistance benefits.

**SPECIFIC AUTHORITY:** 409.919, 414.41, 414.45 FS.

**LAW IMPLEMENTED:** 24.115(4), 414.31, 414.41 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:** January 7, 2008, 1:30 p.m.

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

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS:** Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

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

## Section II Proposed Rules

### DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

#### Division of Fruit and Vegetables

| RULE NOS.: | RULE TITLES:  |
|------------|---|
| 5G-6.001   | Purpose   |
| 5G-6.003   | Definitions   |
| 5G-6.005   | Inspection  |
| 5G-6.007   | Annual Food Permit Requirements of Tomato Packers and Repackers |
| 5G-6.009   | Tomato Best Practices Manual                                    |
| 5G-6.011   | Exemptions  |
| 5G-6.013   | Enforcement   |

**PURPOSE AND EFFECT:** The purpose of this rule is to establish inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida and to implement Chapter 2007-67, Laws of Florida, adopted during the 2007 Legislative Session. A set of guidelines have been drafted through a cooperative effort between the FDACS and the Florida Tomato Industry to implement needed practices and procedures for safe production and handling of tomatoes. These guidelines are called the Tomato Best Practices Manual and are proposed for adoption by reference into this rule chapter. These rules will have an effect on those establishments permitted by the FDACS in the State of Florida who produce or handle tomatoes from field production through packing.

**SUMMARY:** This rule development will address inspection, permit requirements, and best practices in the tomato industry for growers, packers, re-packers and workers. This rule development will address the adoption by reference of the

Tomato Best Practices Manual guidelines for performing tomato food safety inspections on the farm, in tomato greenhouses and in tomato packing houses.

**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:** 500.09(1)(b), (3), (4), 500.12(1) (f), 570.07(6), 570.07(23), 570.481(1)(a) FS.

**LAW IMPLEMENTED:** 500.03(1)(j), (n), 500.09(1)(b), (4), 500.12(1)(a), (f), 500.147(6), 570.48(2)(e), 570.481(1)(a), (b), 603.12, 603.13 FS.

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

**DATE AND TIME:** Monday, January 7, 2008, 2:00 p.m. until 4:00 p.m.

**PLACE:** Eyster Auditorium, The Conner Building, 3125 Conner Boulevard, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Lee M. Cornman, Assistant Director, Division of Food Safety, 3125 Conner Boulevard, Mail Stop C-18, Tallahassee, FL 32399-1650, telephone: (850)488-0295

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

#### FRESH TOMATO INSPECTION

##### 5G-6.001 Purpose.

(1) This rule establishes inspection procedures and best management practices to enhance the safety of fresh tomatoes grown, packed or repacked in Florida, as provided by Chapters 500 and 570, Florida Statutes.

(2) The purpose of these procedures and practices is to:

(a) Enhance the safety of tomatoes to the consuming public by the implementation of safer handling, production and packing practices.

(b) Prevent or minimize contamination of tomatoes either in the natural environment in which they are grown or in the handling, packing, repacking or selling of tomatoes once harvested since, once contaminated, removing or killing pathogens is difficult.

(c) Provide the necessary education and training on food safety practices to workers at all levels.

(3) Mandatory compliance with the procedures and practices outlined in this rule will take effect July 1, 2008.

Specific Authority 500.09(1)(b), (3), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.09(1)(b), (4), 500.12(1)(f) FS. History–New \_\_\_\_\_.

#### 5G-6.003 Definitions.

(1) “Department” means the Florida Department of Agriculture and Consumer Services.

(2) “HACCP” (Hazard Analysis Critical Control Point) means a preventive food safety program used to protect the food supply against biological, chemical and physical hazards.

(3) “T-GAP” means Tomato Good Agricultural Practices.

(4) “T-BMP” means Tomato Best Management Practices.

(5) “Farmers Market” means a market, usually held out-of-doors, in public spaces, where farmers can sell their produce to the public.

Specific Authority 500.09(1)(b), (4), 570.07 (6), 570.07(23) FS. Law Implemented 500.03(1)(j), 500.09(1)(b), (4), 500.147(6) FS. History–New \_\_\_\_\_.

#### 5G-6.005 Inspection.

(1) Regulatory inspections will be performed as frequently as needed to verify adherence to T-GAP or T-BMP for product grown, packed or repacked and will be performed at least once a year in packing houses by the Department.

(2) As specified in Sections 570.48(2)(e) and 570.481(1)(a)(b), F.S., the industry shall reimburse the Department for regulatory inspections conducted under this program at the rate of \$75.00 per hour.

Specific Authority 570.07 (6), 570.07(23), 570.481(1)(a) FS. Law Implemented 570.48(2)(e), 570.481(1)(a), (b), 603.12, 603.13 FS. History–New \_\_\_\_\_.

#### 5G-6.007 Annual Food Permit Requirements of Tomato Packers and Repackers.

(1) An annual food permit is required for all packers and repackers of tomatoes in Florida. A permit number will be assigned by the Department following receipt of the Annual Food Permit Application, DACS-14306, (Rev. 06/03), herein incorporated by reference, a copy of which can be obtained from the Florida Department of Agriculture and Consumer Services, Division of Fruit and Vegetables, P. O. Box 1072, Winter Haven, Florida 32881-3403.

(2) The annual permit fee shall be \$100.00 per applicant and must accompany the Annual Food Permit Application. No establishment shall be issued a food permit until all applicable fees are received by the Department.

(3) All fees and fines collected by the Department to cover the cost of providing the inspection service for tomato packinghouses and repackers shall be deposited into the General Inspection Trust Fund.

Specific Authority 500.09(3), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.03(1)(n), 500.12(1)(a), 570.48(2)(e), 570.481(1)(a), (b) FS. History–New \_\_\_\_\_.

#### 5G-6.009 Tomato Best Practices Manual.

(1) The *Tomato Best Practices Manual* (November 2007) is hereby adopted and incorporated by reference in this rule section and contains the specifications of the T-GAP and the T-BMP. Copies of the manual may be obtained by contacting the Division of Fruits and Vegetables, P. O. Box 1072, Winter Haven, Florida 33881-3403, (863)291-5820.

(2) The following document has been adopted by reference into the *Tomato Best Practices Manual* (November 2007) and is also incorporated by reference into this rule: *The Commodity Specific Food Safety Guidelines for the Fresh Tomato Supply Chain*, Edition 1.0, developed by the North American Tomato Trade Working Group composed of the United States, Canada and Mexico. A copy may be obtained electronically through the following website: <http://research.ifas.ufl.edu/tomato/index.asp>.

Specific Authority 500.09(1)(b), (4), 500.12(1)(f), 570.07(6), 570.07(23) FS. Law Implemented 500.09(1)(b), (4), 500.12(1)(f) FS. History–New \_\_\_\_\_.

#### 5G-6.011 Exemptions.

The following categories of tomatoes are exempt from the requirements of the T-GAP and T-BMP:

(1) Tomatoes sold by an individual grower to a consumer on the premises on which they are grown not to exceed two twenty-five pound boxes per customer.

(2) Tomatoes grown on premises and sold by the individual grower at a local farmers market not to exceed two twenty-five pound boxes per customer.

(3) Charitable contributions of tomatoes are exempt provided they are not diverted into commercial trade or the market place.

Specific Authority 500.09(4), 500.12(1)(f), 570.07(6) FS. Law Implemented 500.09(4), 500.12(1)(f) FS. History–New \_\_\_\_\_.

#### 5G-6.013 Enforcement.

Any person who violates any provision of these rules is subject to the penalties as provided in Chapter 500, F.S.

Specific Authority 500.09(3), 570.07(6), 570.07(23) FS. Law Implemented 500.121 FS. History–New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shannon Shepp, Director, Division of Fruits and Vegetables and Dr. Marion F. Aller, Director, Division of Food Safety, Department of Agriculture and Consumer Services  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Terry L. Rhodes, Chief of Staff, Department of Agriculture and Consumer Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 5, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 7, 2007, Vol. 33/36

**DEPARTMENT OF TRANSPORTATION**

RULE NO.: 14-85.004  
 RULE TITLE: Logo Sign Program  
 PURPOSE AND EFFECT: The amendment to Rule 14-85.004, F.A.C., is limited to paragraph (11)(e) and subsection (12). These sections are amended to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal, consistent with other sections of Chapter 479, Florida Statutes.

SUMMARY: This is an amendment to paragraph 14-85.004(11)(e) and subsection (12), to clarify inconsistent terms and to provide a 30 day grace period for late payment during annual renewal.

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: 479.08, 479.261, 334.044(2) FS.

LAW IMPLEMENTED: 334.044(28), 479.08, 479.261 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: James C. Myers, Clerk of Agency Proceedings, Florida Department of Transportation, Office of the General Counsel, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458

THE FULL TEXT OF THE PROPOSED RULE IS:

14-85.004 Logo Sign Program.

(1) through (10) No change.

(11) Permitting.

(a) through (d) No change.

(e) Process for Annual Permit Renewal.

1. Each holder of a valid logo permit must submit the full annual permit fee(s) to the Program Administrator, which permit fee(s) must be received by the Program Administrator no later than 5:00 p.m. on December 1 of each year.

2. It is the responsibility of the permit holder to keep the Program Administrator informed concerning address changes, ownership changes, contact changes, billing address changes, and any other changes impacting notification or participation eligibility that have occurred since the last renewal period.

3. If the Program Administrator has not received the annual permit fee(s) by 5:00 p.m. Eastern Standard time on December 1, the permit will be revoked ~~expire~~ and the business logo sign will be removed from the display panel. ~~Should the business subsequently reapply for a permit, such reapplication will be processed as an initial permit application in accordance with this section.~~

(12) Denial, ~~denial of renewal~~, revocation, suspension, voiding, or cancellation of permit.

(a) Denial. An application for a business logo permit will be denied if the business does not meet the eligibility requirements outlined in this rule.

~~1. Space is not available;~~

~~2. The business does not meet the eligibility requirements;~~

or

~~(b) Denial of Renewal. Renewal will be denied if applicable permit fee(s) are not received by the Program Administrator by 5:00 p.m. on December 1.~~

~~(b)(e) Revocation. A business's permit to participate in the logo program will be revoked if:~~

~~1. The business no longer meets the eligibility requirements outlined in this rule chapter and has not received requested a suspension or if permit fees are not received by the Program Administrator by 5:00 p.m. Eastern Standard time on December 1.~~

~~2. The business made a false, deceptive, or fraudulent statement in its application or in any other information submitted to the Department or the Program Administrator.~~

~~2.3- Prior to revoking a logo permit, the Program Administrator shall issue by certified mail a Notice of Intent to Revoke for Noncompliance. This notice shall state the noncompliance found and provide the following: The business has modified or revised a business logo sign or logo structure without authorization by the Department or the Program Administrator.~~

~~a. The permittee shall have 30 days from receipt of the Notice of Intent to Revoke for Noncompliance to correct the noncompliance and present evidence to the Department of such correction.~~

~~b. If corrective action is not accomplished within the 30 day period, the revocation becomes final agency action.~~

~~c. The business logo sign shall be removed from the logo structure(s) after the revocation is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis. The business is required to pay the permit fee(s) on a monthly pro rata basis, for all logo signs displayed, pending final agency action or final disposition of any request for administrative hearing.~~

~~(c)~~<sup>(d)</sup> Suspension. A business logo permit will be suspended when the business notifies the Program Administrator that it is temporarily unable to provide the services required and requests suspension of the permit.

1. The maximum period of suspension shall be 90 days except in cases of national disaster or when substantial physical changes such as retrofitting of fuel tanks must be made to the business, in which case an additional 90 days will be granted by the Program Administrator upon receipt of complete construction or engineering specifications for the physical changes and a construction schedule supporting the need for additional time.

2. The logo sign permit must remain in force, including payment of all fees, during the period of suspension.

3. The Program Administrator shall cover or remove the business logo sign until the business is again able to provide services.

4. If the circumstances requiring suspension of the permit are not resolved within the time frame in Section (12)~~(b)~~<sup>(e)</sup>1., above, the Program Administrator shall revoke the business logo sign permit in accordance with (12)(b), above.

~~(d)~~<sup>(e)</sup> Voiding. If the Department or the Program Administrator must remove logo structures pursuant to Section (3)(d), the Program Administrator shall void the business logo sign permit. The Program Administrator shall reimburse the business for the unexpired permit term, on a pro rata basis.

~~(e)~~<sup>(f)</sup> Notice. In cases of denial, ~~denial of renewal~~, revocation, or voiding, the Program Administrator shall provide a written notice to the applicant or permittee by certified mail. The notice shall contain a statement of the reason for the action and an explanation of the permittee's rights under Chapter 120, F.S.

~~1. Prior to revoking a logo permit, the Program Administrator shall issue a Notice of Noncompliance by certified mail. This notice shall state the noncompliance found and provide the following:~~

~~a. The permittee shall have 30 days from receipt of the Notice of Noncompliance to correct the noncompliance.~~

~~b. If corrective action is not accomplished within the 30-day period, the Program Administrator shall issue a notice of intent to revoke the permit.~~

~~2. The business logo sign shall be removed from the logo structure(s) after the revocation or denial action is final or after the final disposition of any request for an administrative proceeding pursuant to Chapter 120, F.S. The Program Administrator shall reimburse the business for the unexpired term of the business logo sign permit, on a pro rata basis.~~

~~(f)~~<sup>(g)</sup> Cancellation. If a participant decides to no longer participate in the logo program, the participant must provide to the Program Administrator a written notice of its decision not to participate. Upon receipt of the notice, the Program Administrator will cancel the participant's permit and remove the participant's business logo sign.

(13) through (13)(b) No change.

Specific Authority 479.08, 479.261, 334.044(2) FS. Law Implemented 334.044(28), 479.08, 479.261 FS. History--New 6-26-85, Formerly 14-85.04, Amended 3-20-91, Amended 10-10-96, 12-31-96, 10-8-97, 5-25-99, 8-31-99, 7-15-02, 1-7-03, 11-30-04, 3-29-05, 12-25-05,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Roger Eudy, State Administrator, Motorist Information Services, Office of Right of Way

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Stephanie C. Kopelousos, Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 26, 2007

**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**

**Division of Hotels and Restaurants**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 61C-5.001  | Standards Adopted; Exclusions; and Conflicts                         |
| 61C-5.0012 | Electrolysis Protection for Underground Hydraulic Elevator Cylinders |
| 61C-5.004  | Bulletin Boards  |
| 61C-5.0051 | Emergency Stop Switches and In-Car Stop Switches                     |
| 61C-5.009  | Venting of Hoistways, Minimum Requirements                           |
| 61C-5.011  | Alterations to Electric and Hydraulic Elevators and Escalators       |
| 61C-5.013  | Service Maintenance Contracts  |

PURPOSE AND EFFECT: The proposed rule amendments update and simplify the rule by adopting state and national elevator safety and maintenance standards. The proposed rule amendments also adopt service maintenance contract reporting requirements.

SUMMARY: The proposed rule amendments update the elevator safety standards adopted by reference; re-align the rule with the Florida Building Code; and adopt service maintenance contract reporting requirements, as required by Section 399.061(1)(b), Florida Statutes.

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: 399.10 FS.

LAW IMPLEMENTED: 399.01, 399.02, 399.061 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: Doug Melvin, Bureau Chief, Department of Business and Professional Regulation, Division of Hotels and Restaurants, Bureau of Elevator Safety, 1940 North Monroe Street, Tallahassee, FL 32399-1012, telephone: (850)488-9098

THE FULL TEXT OF THE PROPOSED RULES IS:

61C-5.001 Standards Adopted; Exclusions; and Conflicts Elevators, Dumbwaiters, Escalators, Moving Walks, Manlifts, Inclined and Vertical Wheelchair Lifts and Inclined Stairway Chairlifts.

(1) Adopted Standards. The installation and maintenance of elevators, dumbwaiters, escalators, moving walks, manlifts, inclined and vertical wheelchair lifts, and inclined stairway chairlifts, in Florida, shall be governed by the following standards, which are hereby adopted and incorporated by reference, with certain amendments and exclusions. This rule shall not apply to hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus.

(a) Chapter 30, Elevators and Conveying Systems, of the 2004 Florida Building Code, including the 2006 supplements;

(b) American National Standard Guide for Inspection of Elevators, Escalators, and Moving Walks, ASME A17.2-2004; and

(c) The Uniform Fire Safety Standards for Elevators, Chapter 69A-47, Florida Administrative Code, established by the Department of Financial Services.

(2) Exclusions. This rule chapter shall not apply to manlifts, hand-operated dumbwaiters, construction hoists, or other similar temporary lifting or lowering apparatus. The following standards are specifically excluded from Chapter 30, Elevators and Conveying Systems, Florida Building Code, as incorporated by reference:

(a) ASME A90.1, American National Standard Safety Standard for Belt Manlifts;

(b) ASME B20.1, Safety Standard for Conveyors and Related Equipment; and

(c) ALI ALCTV, Safety Requirements for Automotive Lifts.

(3) When conflicts occur between provisions of the Florida Building Code and provisions of other adopted codes, the provisions of the Florida Building Code shall apply.

~~(1) American National Standard Safety Code for elevators and escalators, ASME A17.1, 1996 edition, effective 10-4-00, and ASME A17.1a, 1997 addenda, effective 10-4-00, and ASME A17.1b, 1998 addenda, effective 10-4-00.~~

~~(2)(a) American National Standard Inspectors Manual for Electric Elevators, ASME A17.2.1, 1996 edition including ASME A17.2.1a, 1997 Addenda and ASME A17.2.1b, 1998 Addenda.~~

~~(b) American National Standard inspectors Manual of Hydraulic Elevators ASME A17.2.2, 1997 edition including ASME A17.2.2a, 1998 Addenda.~~

~~(c) American National Standard Inspectors Manual for Escalators and Moving Walks, ASME A17.2.3, 1998 edition.~~

~~(3) American National Standard Safety Code for Manlifts, ASME 90.1, 1992 edition.~~

~~(4) National Fire Protection Association, NFPA-70, National Electrical Code, 1999 edition.~~

~~(5) The Uniform Fire Safety Standards for Elevators, chapter 4A-47, Florida Administrative Code, established by the Department of Insurance, State Fire Marshal's Office, are hereby adopted by reference.~~

~~(6) Each elevator shall be accessible to Americans with Disabilities in accordance with 28 CFR Part 36, the Federal Americans with Disabilities Act Accessibility Guidelines, Appendix B, Sections 4.10 and 4.11 and all applicable requirements, references, and drawings set forth in these sections.~~

~~(7) The following rules of ASME A17.1, are hereby amended as follows:~~

~~(a) Rule 211.9e is added, and reads as follows: Each car in a multicar group shall be sequentially numbered from left to right, as viewed from the elevator lobby.~~

~~(b) Rule 101.3a of the ASME A17.1, which is amended to read as follows: Rule 101.3a General Requirements. A permanent, safe and convenient means of access to elevator machine rooms and overhead machinery spaces shall be provided for authorized persons. The key to the machine rooms and overhead machinery spaces shall be kept on the premises at all times and readily available for use by state elevator inspectors.~~

~~(c) Rule 211.8 Switch Keys, of ASME A17.1, is amended to read as follows: The switches required by Rule 211.2 through 211.5, for all elevators in a building, must be operable by the same keys. This key must not operate any other switch and shall not be part of a building master key system. There must be a key for the designated level switch and for each elevator in the group. These keys must be kept on the premises at all times in a location readily accessible to authorized personnel, and state elevator inspectors, but not where the key is available to the general public. NOTE: (RULE 211.8): Local authorities may specify a uniform keyed lock box to contain the necessary keys.~~



~~(d) Rule 805.2d is added, and reads as follows: The key for the starting switches must be kept on the premises at all times in a location readily available to authorized personnel and state elevator inspectors, but not where the key is available to the general public.~~

~~(e) Rule 106.1b(3). Drains connected directly to sewers shall not be installed in elevator pits. Where drains are not provided to prevent the accumulation of water, a sump of adequate size and depth to accommodate a pump shall be provided, with or without a pump.~~

~~(8) Specifically excluded from ASME A17.1, as adopted by reference, 1996 edition and supplements are:~~

~~(a) Part XVIII, entitled Screw Column Elevators.~~

~~(b) Part XXI, entitled Private Residence Inclined Stairway Chairlifts and Inclined and Vertical Wheelchair Lifts.~~

~~(c) Section 1200 General Requirements, Rule 1200.1 Conformance with Safety Code for Existing Installations.~~

~~(d) Part V, Private Residence Elevators.~~

Specific Authority 399.10 399.02 FS. Law Implemented 399.02 FS. History—Amended 10-20-63, 4-20-64, 11-17-73, 12-20-73, Revised 3-22-74, Amended 12-18-74, 8-21-79, 8-1-82, 9-19-84, Formerly 7C-5.01, Amended 11-1-87, 10-31-88, 6-12-89, 9-10-89, 10-3-90, 5-12-91, 6-23-91, 8-9-91, 8-27-92, Formerly 7C-5.001, Amended 2-2-94, 8-1-96, 1-1-98, 10-4-00,\_\_\_\_\_.

61C-5.0012 Electrolysis Protection for Underground Hydraulic Elevator Cylinders.

All newly installed and replacement underground hydraulic pressure cylinders shall be encased in an outer plastic containment to minimize electrolytic corrosion between the metal cylinder and ground cathode and shall conform to Chapter 30, Section 3009, of the Florida Building Code, as incorporated by reference.

~~(1) The plastic casing shall be capped at the bottom, and all joints must be solvent or heat welded to insure water tightness.~~

~~(2) The plastic casing shall be constructed of polyethylene or polyvinyl chloride (PVC). The plastic pipe wall thickness must not be less than .125 inches (3.175 mm).~~

~~(3) The neck of the plastic casing shall have a means of inspection provided to monitor the annulus between the pressurized hydraulic cylinder and the protective plastic casing.~~

~~(4) Replacements of existing hydraulic cylinders shall be protected by the aforementioned method where existing physical dimensions permit.~~

Specific Authority 399.10 399.02 FS. Law Implemented 399.02 FS. History—New 9-10-89, Formerly 7C-5.0012, Amended \_\_\_\_\_.

61C-5.004 Bulletin Boards.

All bulletin boards and frames used in elevator cars shall conform to Chapter 30, Section 3010, of the Florida Building Code, as incorporated by reference.

~~(1) Bulletin boards and frames used in elevator cars shall not create any conditions which will be unsafe for user of the elevator car. Users shall include:~~

~~(a) Disabled persons;~~

~~(b) Persons confined to wheelchairs; and~~

~~(c) All other persons who may operate the elevator car in its normal course of use.~~

~~(2) Bulletin boards shall not protrude more than 1 inch beyond the vertical line of the car wall. They shall not encroach on any clearances required to be maintained in the elevator by Chapter 399, Florida Statutes, and ASME A17.1.~~

~~(3) Bulletin boards shall be framed and all edges must be smooth and rounded. No sharp edges of any kind shall protrude.~~

~~(4) A glass or plastic cover shall be provided. Glass, if used, must meet the following requirements:~~

~~(a) Be laminated;~~

~~(b) Meet the requirement for laminated glass as set forth in ANSI Z97.1;~~

~~(c) The cover shall be securely held in place by the frame.~~

~~(5) The frame and bulletin board shall be permanently fastened to the car wall in such a manner so that all parts including the cover in place will withstand any and all tests required of the elevator.~~

~~(6) All materials used shall be fire resistive equal to the requirements of the cab enclosure.~~

~~(7) The bottom of the bulletin boards shall not be less than 4 feet above the cab floor, and no less than three inches above a handrail. The total area shall not exceed 4 square feet.~~

Specific Authority 399.10 399.02 FS. Law Implemented 399.02(2) FS. History—New 5-14-79, Amended 8-1-82, Formerly 7C-5.04, Amended 10-31-88, 4-11-91, Formerly 7C-5.004, Amended 2-2-94, 10-4-00,\_\_\_\_\_.

61C-5.0051 Emergency Stop Switches and In-Car Stop Switches.

(1) Emergency Stop Switches. Only passenger elevators with non-perforated enclosures, installed prior to May 14, 1979, shall be permitted to have an emergency stop switch in the elevator car. The emergency stop switch shall be located in or adjacent to the operating panel of the elevator car in accordance with the ASME A17.1a-2005, rule 2.26.2.5, hereby incorporated by reference 210.2(e).

(a) Exception. The requirements of subsection (1) of this rule shall not apply to those elevators whose owners have removed the emergency stop switch after receiving written approval from the division.

(b) An emergency stop switch shall be provided in the car of all freight and passenger elevators with a perforated enclosure, in accordance with ASME A17.1a-2005, rule 2.26.2.5, as incorporated by reference 210.2(e).

(2) In-Car Stop Switch – New Installations. On passenger elevators equipped with non-perforated enclosures, a stop switch, either key operated or behind a locked cover, shall be provided in the car and located in or adjacent to the car operating panel, in accordance with ASME A17.1a-2005, rule 2.26.2.21, hereby incorporated by reference 210.2(v).

Specific Authority ~~399.10~~ 399.02 FS. Law Implemented 399.02 FS. History–New 5-6-90, Formerly 7C-5.0051, Amended 2-2-94,\_\_\_\_\_.

61C-5.009 Venting of Hoistways, Minimum Requirements.

The following requirements shall apply unless local applicable codes provide a more stringent standard:

~~(4) Hoistways of elevators serving more than three stories shall be provided with means for venting smoke and hot gases to the outer air in case of fire. Hoistway vents shall conform to Chapter 30, Section 3004, of the Florida Building Code, as incorporated by reference. However, such requirement shall not apply to hoistways not extending into the top floor of the building, in buildings other than hotels, apartment houses, hospitals and similar buildings with overnight sleeping quarters, where the hoistways are equipped with automatic sprinklers connected to the building water supply system or to an approved automatic sprinkler system. Refer to National Fire Protection (NFPA) No. 13 Sprinkler Systems.~~

(2) Vents shall be located:

(a) In the side of the hoistway enclosure directly below the floor or floors at the top of the hoistway, and shall open either directly to the outer air through noncombustible ducts to the outer air; or

(b) If approved by a local building official, in the wall or roof of the penthouse or overhead machinery space above the roof, provided that openings have a total area not less than the minimum specified in subsection (3) of this rule.

~~(3) The area of the vents shall be not less than 3.5 percent of the area of the hoistway nor less than 3 square feet for each elevator car, whichever is greater. Of the total required vent area, not less than 1/3 shall be permanently open or automatically opened by a damper. A hinged damper which will open under a small amount of pressure shall be considered a permanently open vent. However, where mechanical ventilation providing equivalent venting of the hoistway is provided, the required vent area may be reduced if it maintains adequate ventilation and if:~~

~~(a) The building is not a hotel, apartment house, hospital or similar building with overnight sleeping quarters, or~~

~~(b) The hoistway or machine room is so located that it has no outside exposure, or~~

~~(c) The hoistway does not extend to the top of the building, or~~

~~(d) The hoistway or machine room exhaust fan is automatically reactivated by thermostatic means.~~

Specific Authority ~~399.10~~ 399.02 FS. Law Implemented 399.02 FS. History–New 7-12-83, Formerly 7C-5.09, Amended 11-1-87, 10-31-88, Formerly 7C-5.009, Amended 2-2-94, 10-4-00,\_\_\_\_\_.

61C-5.011 Alterations to Electric and Hydraulic Elevators and Escalators.

~~(4) All alterations as set forth in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, require that inspections and tests be performed to determine conformance with the ASME A17.1. Replacement of the critical system components referenced in Chapter 30, Section 3011 of the Florida Building Code, as incorporated by reference, shall require an alteration permit and satisfactory completion of all tests listed. In addition to the alterations set forth in Rule 1003.3 and Rule 1006.3, ASME A17.1, 1996, the following alterations require, in addition to a construction permit, that inspections and tests be performed to determine conformance with the ASME A17.1, 1996, rules cited below:~~

| ALTERATIONS  | Electric Elevators | Hydraulic Elevators |
|--|--------------------|---------------------|
| (a) Addition of elevator to existing hoistway (new installation)       | 1201.1b            | 1201.1b             |
| (b) Brake (replacement of existing drive machine brake by a new brake) | 208-210.8          | _____               |
| (c) Buffer (addition of oil buffer)                                    | 1202.2             | 1203.2b             |
| (d) Driving machine (replacement of)                                   | 1202.9a            | 1203.3              |
| (e) Freight elevator converted to passenger service                    | 1202.8a            | 1203.2h             |
| (f) Rope, replacement in size or number of ropes                       | 1200.4d            | 1200.4d             |
| (g) Sheave, driving machine (replacement in size)                      | 1202.9a            | 1202.9a             |

~~(2) The following alterations require, in addition to a construction permit, that inspections be performed to determine conformance with the ASME A17.1, 1996, rule cited below:~~

| ALTERATIONS   | Electric Elevators | Hydraulic Elevators |
|---|--------------------|---------------------|
| (a) Access Switch (addition of)   | 1201.11d           | 1203.1k             |
| (b) Automatic transfer device (addition of)                               | 1205               | 1205                |
| (c) Car, door or gate (addition of car door or gate electric contacts)    | 1202.5             | 1203.2e             |
| (d) Car enclosure   | 1202.5             | 1203.2e             |
| (e) Car leveling device (addition of) and (trucking device)               | 1202.12b           | 1203.8b             |
| (f) Control   | 1202.12e           | 1203.8f             |
| (g) Control equipment   | 1202.12            | 1203.8              |
| (h) Controller (existing controller w/new) (excluding dispatching device) | 1202.12d           | 1203.8e             |
| (i) Counterweight (change of)   | 1202.3             | 1203.2e             |
| (j) Increase in travel (or decrease)                                      | 1202.10a           | 1203.4a             |
| (k) Door, hoistway (replacement of all hoistway doors)                    | 1201.10            | 1203.1j             |
| (l) Escalator, relocation of  | 1207               | =====               |
| (m) Escalator, skirt switches (addition of safety device)                 | 805                | =====               |
| (n) Freight elevator permitted to carry passengers                        | 1202.8e            | 1203.2j             |
| (o) Guide rails (change in type or size)                                  | 1202.1             | 1203.2a             |
| (p) Hoistway door, power operation of (addition of)                       | 1201.12            | 1203.1m             |
| (q) Hoistway door locking device (addition of)                            | 1201.11            | 1203.1k             |
| (r) Operation, change in type of  | 1202.12f           | 1203.8q             |
| (s) Platform, car (complete replacement of)                               | 1202.4a            | 1203.2d             |
| (t) Roller guide shoe, counter-weight and car (addition of)               | 1202.3             | 1202.3              |
| (u) Rope equalizer (addition of)  | 1202.14e           | 1203.9e             |
| (v) Rope fastening device, auxiliary (addition of)                        | 1202.14d           | 1202.14d            |
| (w) Tank (replacement of) (with different capacity)                       | =====              | 1203.6              |
| (x) Top of car operating device (addition of)                             | 1202.12a           | 1203.8a             |

Specific Authority ~~399.10~~ 399.02 FS. Law Implemented 399.02 FS. History—New 2-11-92, Formerly 7C-5.0011, Amended 8-1-96, 10-4-00, \_\_\_\_\_.

61C-5.013 Service Maintenance Contracts.

(1) For the purpose of this chapter, the term “routine examination” as it relates to the definition of a service maintenance contract means:

(a) Registered elevator companies that enter into service maintenance contracts with elevator owners must follow the procedures within the scope of ASME A17.2, as incorporated by reference, 1, A17.2.2, A17.2.3, Inspectors Manual, and latest Addendas, for its routine examinations and periodic safety tests of elevators;

(b) The periodic safety tests required by ASME A17.1 and its latest Addendas and supplements, as referenced in the Florida Building Code, must be conducted within the time frames established by that standard;

(c) through (d) No change.

(2) If the periodic safety ~~required code related~~ tests required by ASME A17.1 and its latest Addendas and supplements, as referenced in the Florida Building Code, are

not included in a service maintenance contract, the service contract will not be valid and ~~will~~ will not be considered to be a service maintenance contract ~~as defined by~~ pursuant to Section 399.01(10)(7), Florida Statutes.

(3) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to Section 399.061(1)(a), Florida Statutes, must notify the division in writing within 30 days of cancellation, termination, or expiration of the service maintenance contract. For the purpose of this section, notification is not required if the service maintenance contract is renewed or a new contract is executed within 30 days of cancellation, termination, or expiration, provided that proper notification of the terms of the new or renewed contract is submitted by the registered elevator company on letterhead attesting to the existence of a service maintenance agreement as required for license renewal.

(4) The owner or lessee, when owner responsibilities are specifically assigned by lease, of a two-stop elevator or other conveyance not requiring an annual inspection pursuant to

Section 399.061(1)(a), Florida Statutes, must notify the division in writing within 30 days of transfer of service maintenance contract ownership.

(5) Written notifications shall be mailed to the Bureau of Elevator Safety, Division of Hotels and Restaurants, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399.

Specific Authority ~~399.10~~ ~~399.02~~ FS. Law Implemented 399.01, ~~399.061~~ FS. History–New 2-2-94, Amended 10-4-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Doug Melvin, Bureau Chief, Division of Hotels and Restaurants, Department of Business and Professional Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 15, 2006

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-30.004  
RULE TITLE: Engineering Document Submittal to Public Agencies

PURPOSE AND EFFECT: This rule is being repealed because it is being incorporated into other rules through proposed rule changes and therefore it is redundant.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 471.033(2), 471.008 FS.

LAW IMPLEMENTED: 471.033(1)(g), 471.025 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-30.004 Engineering Document Submittal to Public Agencies.

Specific Authority 471.033(2), 471.008 FS. Law Implemented 471.033(1)(g), 471.025 FS. History–New 1-26-93, Formerly 21H-30.004, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2007

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NO.: 61G15-33.009  
RULE TITLE: Design of Instrumentation and Control Systems

PURPOSE AND EFFECT: This rule is being repealed because it is being incorporated into other rules through proposed rule changes and therefore it is redundant.

SUMMARY: The rule is being repealed.

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

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

SPECIFIC AUTHORITY: 471.008, 471.033(2) FS.

LAW IMPLEMENTED: 471.033 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: Carrie Flynn, Executive Director, Board of Professional Engineers, 2507 Callaway Road, Suite 200, Tallahassee, Florida 32301

THE FULL TEXT OF THE PROPOSED RULE IS:

61G15-33.009 Design of Instrumentation and Control Systems.

Specific Authority 471.008, 471.033(2) FS. Law Implemented 471.033 FS. History–New 5-19-93, Formerly 21H-33.009, Repealed \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Professional Engineers

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 17, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NO.: 62-4.090  
 RULE TITLE: Renewals

PURPOSE AND EFFECT: The proposed rule involves amendments involves amendments to Chapter 62-4, F.A.C., related to the Department's Title V air permitting program. The amendments extend the lead time for applying for renewal of a Title V permit.

SUMMARY: The proposed rule amendments address air operation permitting requirements for "major sources of air pollution," also referred to as "Title V sources."

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: 120.60, 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 120.60, 403.031, 403.061, 403.087, 403.0872 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Scarce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Cindy Phillips at (850)921-9534 or [cindy.phillips@dep.state.fl.us](mailto:cindy.phillips@dep.state.fl.us)

THE FULL TEXT OF THE PROPOSED RULE IS:

62-4.090 Renewals.

Prior to 135 days before the expiration of a hazardous waste operation permit, 180 days before the expiration of a permit issued pursuant to Chapter 62-213, F.A.C., or a hazardous waste closure permit, or sixty days before the expiration of any other Department operation permit except a permit issued pursuant to Chapter 62-213, F.A.C., the permittee shall apply for a renewal of a permit using forms incorporated by reference in the specific rule chapter for that kind of permit. The permittee shall apply for a renewal of a permit issued pursuant to Chapter 62-213, F.A.C., according to Rule 62-213.420, F.A.C. A renewal application shall be timely and sufficient. If the application is submitted prior to the days specified above before expiration of the permit, it will be considered timely and sufficient. If the renewal application is submitted at a later date, it will not be considered timely and sufficient unless it is submitted and made complete prior to the expiration of the operation permit. When the application for renewal is timely and sufficient, the existing permit shall remain in effect until the renewal application has been finally acted upon by the Department or, if there is court review of the Department's final agency action, until a later date is required by Section 120.60, F.S., provided that, for renewal of a permit issued pursuant to Chapter 62-213, F.A.C., the applicant complies with the requirements of paragraph 62-213.420(1)(b)3. and 4., F.A.C.

Specific Authority 120.60, 403.021, 403.031, 403.061, 403.088 FS. Law Implemented 120.60, 403.021, 403.031, 403.061, 403.087, 403.088 FS. History—New 5-17-72, Formerly 17-4.09, Amended 8-31-88, 3-19-90, 7-11-93, Formerly 17-4.090, Amended 4-18-95, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

RULE NOS.: 62-210.200, 62-210.300, 62-210.360  
 RULE TITLES: Definitions, Permits Required, Administrative Permit Corrections and Amendments, Forms and Instructions

PURPOSE AND EFFECT: The proposed rule involves 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.

SUMMARY: The proposed rule amendment addresses Title V air operation permitting requirements.

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: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.087, 403.0872 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

62-210.200 Definitions.

The following words and phrases when used in this chapter and in Chapters 62-212, 62-213, 62-214, 62-296, and 62-297, F.A.C., shall, unless content clearly indicates otherwise, have the following meanings:

(1) through (8) No change.

(9) “Acid Rain Unit” – A fossil fuel-fired combustion device listed as subject to any Acid Rain emissions reduction requirement or Acid Rain emissions limitation at 40 C.F.R. 72.6 or 74.2, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(10) through (58) No change.

(59) “CAIR Part” or “CAIR Permit” – DEP Form No. 62-210.900(1)(b), completed and certified by the designated representative and incorporated as a part of the Title V source permit or air construction permit. The CAIR Part shall specify

~~That portion of the Title V source permit specifying the CAIR Program requirements applicable to the a CAIR source, to each CAIR unit at the source, and to the owners and operators and the CAIR designated representative of the CAIR source and each such CAIR unit.~~

(60) through (75) No change.

(76) “C.F.R.” or “CFR” – Code of Federal Regulations.

(77) through (158) No change.

(159) “Hg Budget Part” or “Hg Budget Permit” – DEP Form No. 62-210.900(1)(c), completed and certified by the designated representative and incorporated as a part of the Title V source permit or air construction permit. The Hg Budget Part shall specify the Hg Budget Trading Program requirements applicable to the Hg Budget source, to each Hg Budget unit at the source, and to the owners and operators and the designated representative of the Hg Budget source and each such Hg Budget unit.

(159) through (334) renumbered (160) through (335) No change.

Specific Authority 403.061, 403.8055 FS. Law Implemented 403.031, 403.061, 403.087, 403.8055 FS. History—Formerly 17-2.100, Amended 2-9-93, 11-28-93, Formerly 17-210.200, Amended 11-23-94, 4-18-95, 1-2-96, 3-13-96, 3-21-96, 8-15-96, 10-7-96, 10-15-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 2-19-03, 4-1-05, 7-6-05, 2-2-06, 4-1-06, 9-4-06, 9-6-06, 1-10-07, 5-9-07, \_\_\_\_\_.

62-210.300 Permits Required.

(1) No change.

(2) Air Operation Permits. Upon expiration of the air operation permit for any existing facility or emissions unit; subsequent to any construction, reconstruction or modification of a facility or emissions unit authorized by an air construction permit, and demonstration of compliance with the conditions of such air construction permit; subsequent to the establishment of a PAL or air emissions bubble by air construction permit; or as otherwise provided in this chapter or Chapter 62-213, F.A.C.; the owner or operator of such facility or emissions unit shall obtain a renewal air operation permit, an initial air operation permit, or ~~an administrative correction or~~ revision of an existing air operation permit, whichever is appropriate, in accordance with all applicable provisions of this chapter, Chapter 62-213 (if the facility is a Title V source), and Chapter 62-4, F.A.C.

(a) Minimum Requirements for All Air Operation Permits. At a minimum, a permit issued pursuant to this subsection shall:

1. through 2. No change.

3. Contain an effective date stated in the permit which shall not be earlier than the date final action is taken on the application and be issued for a period, beginning on the effective date, as provided below.

a. The operation permit for an emissions unit which is in compliance with all applicable rules and in operational condition, and which the owner or operator intends to continue operating, shall be issued or renewed for a five-year period; ~~except that, for Title V sources subject to subparagraph 62-213.420(1)(a)1., F.A.C., operation permits shall be extended until 60 days after the due date for submittal of the facility's Title V permit application as specified in subparagraph 62-213.420(1)(a)1., F.A.C.~~

- b. through d. No change.
- 4. No change.
- (b) through (c) No change.
- (3) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.814 FS. History—Formerly 17-2.210, Amended 11-28-93, Formerly 17-210.300, Amended 11-23-94, 4-2-95, 4-18-95, 10-16-95, 1-2-96, 3-13-96, 3-21-96, 5-13-96, 8-15-96, 10-7-96, 5-20-97, 11-13-97, 2-5-98, 2-11-99, 4-16-01, 6-21-01, 7-6-05, 2-2-06, 1-10-07, 5-9-07, \_\_\_\_\_.

62-210.360 Administrative Permit Corrections and Amendments.

(1) A facility owner shall notify the Department in writing ~~by letter~~ of minor corrections or amendments to information contained in a permit. Such minor corrections or amendments notifications shall include:

- (a) through (g) No change.
- (2) Upon receipt of any such notification, the Department shall within 60 days correct or amend the permit and provide a copy of the correction or amendment corrected copy to the owner.
- (3) No change.
- (4) For Title V source permits corrected or amended by the Department other than general permits, a copy of the correction or amendment corrected permit shall be provided to EPA and any approved local air program in the county where the facility or any part of the facility is located.

Specific Authority 403.061 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-210.360, Amended 11-23-94, 2-11-99, 4-16-01, 6-2-02, \_\_\_\_\_.

62-210.900 Forms and Instructions.

The forms used by the Department in the stationary source control program are adopted and incorporated by reference in this section. The forms are listed by rule number, which is also the form number, with the subject, title and effective date. Copies of forms may be obtained by writing to the Department of Environmental Protection, Division of Air Resource Management, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, or by accessing the Division's website at www.dep.state.fl.us/air. The requirement of subsection 62-4.050(2), F.A.C., to file application forms in quadruplicate is waived if an air permit application is submitted using the Department's electronic application form.

(1) Application for Air Permit – Long Form, Form and Instructions (DEP Form No. 62-210.900(1), Effective 2-2-06).

(a) Acid Rain Part Application, Form and Instructions (DEP Form No. 62-210.900(1)(a), Effective 6-16-03).

1. Phase II NO<sub>x</sub> Averaging Plan, Form (DEP Form No. 62-210.900(1)(a)1., Effective \_\_\_\_\_) ~~Repowering Extension Plan, Form and Instructions (Effective 7-1-95).~~

2. Acid Rain New Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(a)2., Effective \_\_\_\_\_ 4-16-01).

3. ~~Retired Unit Exemption, Form and Instructions (Effective 4-16-01).~~

4. ~~Phase II NO<sub>x</sub> Compliance Plan, Form and Instructions (Effective 1-6-98).~~

5. ~~Phase II NO<sub>x</sub> Averaging Plan, Form (Effective 1-6-98).~~

(b) Clean Air Interstate Rule (CAIR) Part, Form and Instructions (DEP Form No. 62-210.900(1)(b), Effective \_\_\_\_\_) ~~(Reserved).~~

(c) Mercury (Hg) Budget Part, Form and Instructions (DEP Form No. 62-210.900(1)(c), Effective \_\_\_\_\_).

(d) Acid Rain, CAIR, and Hg Budget Retired Unit Exemption, Form and Instructions (DEP Form No. 62-210.900(1)(d), Effective \_\_\_\_\_).

- (2) through (7) No change.

Specific Authority 403.061 FS. Law Implemented 403.061, 403.087 FS. History—New 2-9-93, Amended 7-20-94, Formerly 17-210.900, Amended 11-23-94, 7-6-95, 3-21-96, 1-6-98, 2-11-99, 4-16-01, 6-21-01, 6-16-03, 2-2-06, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

DATE NOTICES OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: April 20, 2007 and August 31, 2007

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

| RULE NOS.: | RULE TITLES:                           |
|------------|--|
| 62-213.205 | Annual Emissions Fee                   |
| 62-213.400 | Permits and Permit Revisions Required  |
| 62-213.420 | Permit Applications                    |
| 62-213.430 | Permit Issuance, Renewal, and Revision |
| 62-213.440 | Permit Content                         |
| 62-213.460 | Permit Shield                          |

**PURPOSE AND EFFECT:** The proposed rule amendments involves amendments to Chapter 62-213, F.A.C., related to implementation of the U.S. Environmental Protection Agency's permitting requirements for Title V sources that are subject to the Clean Air Interstate Rule, Clean Air Mercury Rule, and Federal Acid Rain Program.

**SUMMARY:** The proposed rule amendments address Title V air operation permitting requirements for electrical generating units.

**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:** 403.061, 403.087, 403.0872 FS.

**LAW IMPLEMENTED:** 403.031, 403.061, 403.087, 403.0872 FS.

**IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):**

**DATE AND TIME:** Thursday, January 10, 2008, 10:00 a.m.

**PLACE:** Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS:** Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

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

62-213.205 Annual Emissions Fee.

Each Title V source permitted to operate in this state must pay between January 15 and March 1 of each year, upon written notice from the Department, an annual emissions fee in an amount determined as set forth in subsection 62-213.205(1), F.A.C.

(1) Emissions Fee Calculation and Payment. Each Title V source must calculate the annual fee, based upon the source's previous year's emissions, by multiplying the applicable annual emissions fee factor times the tons of each regulated air pollutant (except carbon monoxide) allowed to be emitted per

hour by specific condition of the source's most recent certification, construction permit or operation permit, times the annual hours of operation allowed by specific condition; provided, however, that:

(a) through (d) No change.

(e) For any Title V source that emits less of any regulated air pollutant than allowed by specific condition, the annual fee calculation for such pollutant may, at a responsible official's option, be based upon emissions determined as follows:

1. The Department will accept, for fee purposes, emissions determined by means of data from a certified continuous emissions monitor which, for other than an acid rain source, CAIR source, or Hg Budget source, meets the certification and quality assurance requirements of Appendices B and F of 40 CFR Part 60, or for an acid rain source, CAIR source, or Hg Budget source, meets the certification and quality assurance requirements of 40 CFR Part 75, which are adopted and incorporated by reference in Rule 62-204.800, F.A.C. Stack gas volumetric flow rates will be determined using, if available at the source, calibrated flowmeters with recorders that record data on a continuous basis. In the absence of a flowmeter, flow rates will be determined by the average flow rate for the three most recent stack tests that were conducted at 90% to 100% of the maximum allowable operating rate for the unit. If three such stack tests have not been conducted, the average of the latest two tests conducted at the 90% to 100% level will be used. If two or more such tests have not been conducted, the results of the latest test conducted at the 90% to 100% level shall be used. For purposes of this determination, a stack test shall consist of all test runs required under subsection 62-297.310(1), F.A.C. Flow rates as determined in this paragraph shall be used with continuous emission monitors to determine the mass emissions for fee purposes.

2. through 3. No change.

(f) through (k) No change.

(2) through (4) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History--New 12-21-92, Amended 11-25-93, Formerly 17-213.200, Amended 11-23-94, 1-1-96, 3-13-96, 6-25-96, 2-11-99, 1-3-01, 4-16-01, 6-2-02,\_\_\_\_\_.

62-213.400 Permits and Permit Revisions Required.

~~Effective January 2, 1995, a~~All Title V sources are subject to the air operation permit requirements of this chapter, except those Title V sources permissible pursuant to Rule 62-213.300, F.A.C., Title V Air General Permits.

(1) through (2) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History--New 11-28-93, Amended 4-17-94, Formerly 17-213.400, Amended 11-23-94, 1-3-95, 4-18-95, 3-13-96, 2-11-99, 1-3-01, 6-2-02,\_\_\_\_\_.



## 62-213.420 Permit Applications.

(1) Duty to Apply. For each Title V source, the owner or operator shall submit a timely and complete permit application in compliance with the requirements of this section and subsections 62-4.050(1) through (3), F.A.C.

## (a) Timely Application.

~~1. For facilities that are Title V sources on or before October 25, 1995, and that have commenced operation on or before that date, a timely initial application under this chapter is one that is submitted as follows:~~

~~a. Acid Rain Sources will submit applications for the entire source by June 15, 1996.~~

~~b. Sources with one or more emissions units subject to subsections 62-204.800(9) or (10), F.A.C., will submit applications for the entire source by:~~

~~i. September 1, 1996, if the facility is a Title V source solely because it is included in paragraph (f) of the definition of "Major Source of Air Pollution," in Rule 62-210.200, F.A.C.~~

~~ii. June 15, 1996, otherwise.~~

~~e. All other sources subject to the permitting requirements of this chapter will submit applications by June 15, 1996.~~

~~1.2. A facility that commences operation as a Title V source after October 25, 1995, or that otherwise becomes subject to the permitting requirements of Chapter 62-213, F.A.C., after October 25, 1995, must file an application for an operation permit under this chapter at least ninety days before expiration of the source's air construction permit, but no later than 180 days after commencing operation as a Title V source, unless a different application due date is provided at Rule 62-204.800, F.A.C., or an earlier date is provided in the air construction permit. A source that has applied for an Electrical Power Plant Siting Certification prior to October 26, 1995, but was has not been issued the certification as of that date, or a source that was has been issued an Electrical Power Plant Siting Certification prior to October 26, 1995, but did has not commenced operation by that date, shall file an application for an operation permit under this chapter no later than 180 days after commencing operation. Sources subject to the FEPPSA that apply for Electrical Power Plant Siting Certification subsequent to October 25, 1995, may, at their option, apply for a permit under the provisions of this chapter at the same time the Florida Power Plant Siting Certification application is submitted.~~

~~2.3. For purposes of permit renewal, a timely application is one that is submitted 180 days before the expiration of a permit that expires before June 1, 2009, and 225 days before the expiration of a permit that expires on or after June 1, 2009 in accordance with Rule 62-4.090, F.A.C.~~

~~3.4. A Title V source which contains an emissions unit that commences operation or is modified after October 25, 1995, shall submit an application for a permit revision, or a supplement to a pending application, at least ninety days prior to expiration of the unit's air construction permit, but no later~~

than 180 days after the emissions unit commences operation or commences operation as modified. Any source that contains an emissions unit that has not commenced operation or which has not demonstrated initial compliance with all applicable requirements by the time that the source submits its application for a Title V permit, permit revision, or permit renewal may include such emissions unit in the application, provided the source submits a compliance schedule and methodology, in accordance with paragraph 62-213.420(3)(l), F.A.C.

4. For purposes of the CAIR Part form (DEP form number 62-210.900(1)(b)), a timely application is one that is submitted as follows.

a. For a CAIR unit covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.

b. For a CAIR unit not covered by a Title V permit prior to May 1, 2008, a certified CAIR Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.

c. A CAIR Part form shall be submitted simultaneously with any Title V permit renewal application for a CAIR source.

5. For purposes of the Hg Budget Part form (DEP form number 62-210.900(1)(c)), a timely application is one that is submitted as follows.

a. For a Hg Budget unit covered by a Title V permit prior to May 1, 2008, a certified Hg Budget Part form shall be submitted to the Department by May 1, 2008. The form shall be submitted as part of a Title V permit revision application.

b. For a Hg Budget unit not covered by a Title V permit prior to May 1, 2008, a certified Hg Budget Part form shall be submitted to the Department prior to the unit commencing operation. The form shall be incorporated into the Title V permit upon issuance of an initial, revised, or renewal Title V permit, whichever comes first.

c. A Hg Budget Part form shall be submitted simultaneously with any Title V permit renewal application for a Hg Budget source.

## (b) Complete Application.

1. No change.

2. ~~For those applicants submitting initial permit applications pursuant to subparagraph 62-213.420(1)(a)1., F.A.C., a complete application shall be an application that substantially addresses all the information required by the application form number 62-210.900(1), and such applications shall be deemed complete within sixty days of receipt of a signed and certified application unless the Department notifies the applicant of incompleteness within that time. For all other applicants, the applications shall be deemed complete sixty days after receipt, unless the Department, within sixty days after receipt of a certified signed application for permit, permit~~

revision or permit renewal, requests additional documentation or information needed to process the application. An applicant making timely and complete application for permit, or ~~timely application for permit renewal as described by subsection 62-4.090(1), F.A.C.~~, shall continue to operate the source under the authority and provisions of any existing valid permit or Florida Electrical Power Plant Siting Certification, and in accordance with applicable requirements of the Acid Rain Program, applicable requirements of the CAIR Program, and applicable requirements of the Hg Budget Trading Program, until the conclusion of proceedings associated with its permit application or until the new permit becomes effective, whichever is later, provided the applicant complies with all the provisions of subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C. Failure of the Department to request additional information within sixty days of receipt of a properly signed application shall not impair the Department's ability to request additional information pursuant to subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C.

~~3. For those permit applications submitted pursuant to the provisions of subparagraph 62-213.420(1)(a)1., F.A.C., the Department shall notify the applicant if the Department becomes aware at any time during processing of the application that the application contains incorrect or incomplete information. The applicant shall submit the corrected or supplementary information to the Department within ninety days unless the applicant has requested and been granted additional time to submit the information. Failure of an applicant to submit corrected or supplementary information requested by the Department within ninety days or such additional time as requested and granted shall render the application incomplete.~~

~~3.4. For all applications other than those addressed at subparagraph 62-213.420(1)(b)3., F.A.C., S~~should the Department become aware, during processing of any application that the application contains incorrect information, or should the Department become aware, as a result of comment from an affected State, an approved local air program, EPA, or the public that additional information is needed to evaluate the application, the Department shall notify the applicant within 30 days. When an applicant becomes aware that an application contains incorrect or incomplete information, the applicant shall submit the corrected or supplementary information to the Department, and the Department's completeness review clock shall be restarted upon the Department's receipt of the information. If the Department notifies an applicant that corrected or supplementary information is necessary to process the permit application, and requests a response, the applicant shall provide the information to the Department within ninety days of the Department request unless the applicant has requested and been granted additional time to submit the information or, the applicant shall, within ninety days, submit a written request that the Department process the application without the information. Failure of an applicant to submit corrected or

supplementary information requested by the Department within ninety days, or such additional time as requested and granted, or to demand in writing within ninety days that the application be processed without the information shall render the application incomplete. Nothing in this section shall limit any other remedies available to the Department.

5. through 6. renumbered 4. through 5. No change.

(2) No change.

(3) Standard Application Form and Required Information. Applications shall be submitted under this chapter on forms provided by the Department and adopted by reference in subsection 62-210.900(1), F.A.C. The information as described on the forms in subsection 62-210.900(1), F.A.C., shall be included for the Title V source and each emissions unit. An application must include information sufficient to determine all applicable requirements for the Title V source and each emissions unit and to evaluate a fee amount pursuant to Rule 62-213.205, F.A.C. The application shall specifically include the following information, as detailed in the application form (DEP form number 62-210.900(1)); provided, however, that the information required by paragraphs (g) through (m), below, shall not be required for any emissions unit which is not subject to any unit-specific applicable requirements, except as needed to determine that no applicable requirements exist:

(a) through (e) No change.

(f) If requested by the Department, information concerning operations and methodology for the development of periodic monitoring in accordance with subsection 62-213.440(4), F.A.C. ~~For applications submitted in accordance with subparagraph 62-213.420(1)(a)2., F.A.C., S~~such request must be made within 60 days of the date the application was submitted, except as required by subparagraph 62-213.420(1)(b)3.4., F.A.C.;

(g) through (n) No change.

(4) through (5) No change.

(6) CAIR Part Form. For a source subject to the CAIR Program, there shall be included in the Title V permit application a certified CAIR Part form (DEP form number 62-210.900(1)(b)) that contains requirements concerning all CAIR units at the CAIR source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(b)).

(7) Hg Budget Part Form. For a source subject to the Hg Budget Program, there shall be included in the Title V permit application a certified Hg Budget Part form (DEP form number 62-210.900(1)(c)) that contains requirements concerning all Hg Budget units at the Hg Budget source for which the application is submitted, in the format prescribed by DEP form number 62-210.900(1)(d).

Specific Authority 403.061, 403.087 FS. Law Implemented 403.061, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.420, Amended 11-23-94, 4-2-95, 10-11-95, 3-13-96, 3-20-96, 6-25-96, 10-7-96, 11-13-97, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, \_\_\_\_\_.

## 62-213.430 Permit Issuance, Renewal, and Revision.

(1) Action on Application. ~~Except for those applications submitted pursuant to subparagraph 62-213.420(1)(a)1., F.A.C.,~~ The Department shall issue a draft permit or a determination that the requested permit be denied within 90 days after receipt of the latest of: the application; the last item of information requested pursuant to paragraph 62-213.420(1)(b), F.A.C.; or, a written request to process the application without the requested information. If written comments received during the 30-day comment period result in a substantial change in this draft permit, the Department shall issue a revised draft permit within 45 days after the end of the 30-day public comment period, unless a different time period is agreed to between the applicant and the Department. A substantial change in a draft permit has the same meaning as "substantially modified" under subparagraph 62-110.106(7)(a)4., F.A.C. The Department shall issue a permit, permit revision or renewal only after all of the following conditions have been met:

(a) The applicant has submitted a complete application, properly certified by a responsible official as required by subsection 62-213.420(4), F.A.C., and either all corrected and supplemental information requested or a written request to process the application without such information pursuant to subparagraphs 62-213.420(1)(b)3. ~~and 4.~~, F.A.C.;

(b) through (e) No change.

(2) No change.

(3) Permit Renewal and Expiration. Permits being renewed are subject to the same requirements that apply to permit issuance at the time of application for renewal. Permit renewal applications shall contain that information identified in subsections 62-210.900(1), ~~and~~ 62-213.420(3), ~~62-213.420(6), and 62-213.420(7)~~, F.A.C. Unless a Title V source submits a timely and complete application for permit renewal in accordance with the requirements of this rule ~~subsection 62-4.090(1)~~, F.A.C., the existing permit shall expire and the source's right to operate shall terminate. No Title V permit will be issued for a new term except through the renewal process.

(4) through (6) No change.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.031, 403.061, 403.087, 403.0872 FS. History--New 11-28-93, Formerly 17-213.430, Amended 11-23-94, 3-20-96, 11-13-97, 2-11-99, 1-3-01, 4-16-01, 6-2-02, \_\_\_\_\_.

## 62-213.440 Permit Content.

(1) No change.

(a) through (b) No change.

(c) Emission Allowances. The Acid Rain Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Federal Acid Rain Program. The CAIR Part of a Title V permit shall include a permit condition prohibiting emissions

exceeding any allowances that the source lawfully holds under the CAIR Program. The Hg Budget Part of a Title V permit shall include a permit condition prohibiting emissions exceeding any allowances that the source lawfully holds under the Hg Budget Trading Program. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

1. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program, provided that such increases do not require a permit revision pursuant to Rule 62-213.400, F.A.C. Each CAIR Part incorporates every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> or CAIR NO<sub>x</sub> ozone season allowance to or from the compliance account of the CAIR source covered by the permit, upon recording by the Administrator. Each Hg Budget Part incorporates every allocation, transfer, or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit, upon recording by the Administrator.

2. No limit shall be placed on the number of allowances held by the source under the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

3. Allowances shall be accounted for under the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

4. Each CAIR Part incorporates the definitions of terms under 40 CFR 96.102, 96.202, and 96.302, adopted and incorporated by reference at Rule 62-204.800, F.A.C. Each Hg Budget Part incorporates the definitions of terms under 40 CFR 60.4102, adopted and incorporated by reference in Rule 62-204.800, F.A.C.

(d) No change.

(2) No change.

(3) Statement of Compliance.

(a) For each applicable requirement, the permit shall contain:

1. No change.

2. A requirement that the source submit a Statement of Compliance with all terms and conditions of the permit that includes all the provisions of 40 CFR 70.6(c)(5)(iii), incorporated by reference at Rule 62-204.800, F.A.C. Such statements shall be accompanied by certification in accordance with subsection 62-213.420(4), F.A.C., for Title V requirements, ~~and~~ with Rule 62-214.350, F.A.C., for Acid Rain requirements, with Rule 62-296.470, F.A.C., for CAIR Program requirements, and with Rule 62-296.480, F.A.C., for Hg Budget Trading Program requirements. Such statement shall be submitted (postmarked) to the Department and EPA:

a. through b. No change.

3. No change.

(b) No change.

- (4) Periodic Monitoring.
  - (a) No change.
  - (b) Monitoring performed pursuant to any of the following satisfies periodic monitoring for that applicable requirement:
    1. through 2. No change.
    3. Emission limits or standards for which monitoring requirements are established pursuant to 40 CFR 64 (Compliance Assurance Monitoring); ~~and~~
    4. Emission limitations or standards for which a Title V permit specifies a continuous compliance determination method, as defined in 40 CFR 64.1, adopted and incorporated by reference at Rule 62-204.800, F.A.C., unless such compliance method includes an assumed control device emission reduction factor that could be affected by the actual operation and maintenance of the control device;:-

5. CAIR Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.; and

6. Hg Budget Trading Program requirements for which monitoring requirements are established pursuant to 40 CFR Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087 FS. Law Implemented 403.087, 403.0872 FS. History—New 11-28-93, Amended 4-17-94, Formerly 17-213.440, Amended 11-23-94, 4-18-95, 3-13-96, 3-20-96, 11-13-97, 4-7-98, 2-11-99, 7-15-99, 1-3-01, 4-16-01, 6-2-02, \_\_\_\_\_.

62-213.460 Permit Shield.

Except as provided in this chapter, compliance with the terms and conditions of a permit issued pursuant to this chapter shall, as of the effective date of the permit, be deemed compliance with any applicable requirements in effect, provided that the source included such applicable requirements in the permit application. Nothing in this section or in any permit shall alter or affect the ability of EPA or the Department to deal with an emergency, the liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance, or the requirements of the Federal Acid Rain Program, the CAIR Program, or the Hg Budget Trading Program.

Specific Authority 403.061, 403.0872 FS. Law Implemented 403.087, 403.0872 FS. History—New 11-28-93, Formerly 17-213.460, Amended 11-23-94, 1-3-01, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

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

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

| RULE NOS.: | RULE TITLES:   |
|------------|--|
| 62-214.100 | Purpose and Scope                                    |
| 62-214.300 | Applicability  |
| 62-214.320 | Applications   |
| 62-214.330 | Acid Rain Compliance Plan and Compliance Options     |
| 62-214.340 | Exemptions   |
| 62-214.360 | Department Action on Applications                    |
| 62-214.370 | Revisions and Administrative Corrections             |
| 62-214.420 | Acid Rain Part Content                               |
| 62-214.430 | Implementation and Termination of Compliance Options |

PURPOSE AND EFFECT: The proposed amendment involves amendments to Chapter 62-214, F.A.C., related to implementation of the U.S. Environmental Protection Agency’s permitting requirements for sources that are subject to the Federal Acid Rain Program or elect to “opt in” to the Federal Acid Rain Program.

SUMMARY: The proposed rule amendments address requirements for the Acid Rain Part of a Title V air operation permit for a source which is subject to the Federal Acid Rain Program or which elects to opt in to such program.

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

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

SPECIFIC AUTHORITY: 403.061, 403.087, 403.0872 FS.

LAW IMPLEMENTED: 403.031, 403.061, 403.0872, 403.087 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.

PLACE: Florida Department of Environmental Protection, Division of Air Resource Management, 111 South Magnolia Drive, Suite 23, Directors Conference Room, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Lynn Searce at (850)921-9551. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ms. Cindy Phillips at (850)921-9534 or cindy.phillips@dep.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

#### 62-214.100 Purpose and Scope.

This chapter outlines the additional permitting requirements for Title V sources that are subject to the Federal Acid Rain Program. The rules under this chapter set forth requirements for the Acid Rain Part of an operation permit for a Title V source which is subject to the Federal Acid Rain Program. The Department intends that this chapter shall implement and be consistent with the federal requirements of 40 C.F.R. Part 72. Words and phrases used in this chapter, unless clearly indicated otherwise, are defined at either 40 CFR 72.2 or 76.2 or Rule 62-210.200, F.A.C. The provisions of 40 CFR Parts 72, 73, 74, 75, and 76 referenced in this rule are adopted and incorporated by reference at Rule 62-204.800, F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 3-13-96, 1-3-01, \_\_\_\_\_.

#### 62-214.300 Applicability.

~~Effective January 2, 1995,~~ Owners and operators of a Title V source that contains an Acid Rain unit shall operate the source and each Acid Rain unit in compliance with Chapter 62-213, F.A.C., and shall comply with the applicable requirements of this chapter.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended \_\_\_\_\_.

#### 62-214.320 Applications.

The designated representative of any Title V source containing an Acid Rain unit shall submit to the Department a complete Acid Rain Part application no later than the applicable deadline of this section. The Acid Rain Part application shall be submitted pursuant to this chapter and to Rule 62-213.420, F.A.C. The designated representative of an Acid Rain Source has the option of filing the Acid Rain Part application as a separate document from the Title V Air Operation Permit application and requesting separate processing. The Department shall process the Acid Rain Part application pursuant to Chapter 62-213, F.A.C. The owners and operators of such source and any Acid Rain unit at the source shall not operate the source or unit without a Title V permit which includes an Acid Rain Part, except that a source having a valid air construction or operation permit or a site certification pursuant to the Florida Electrical Power Plant Siting Act and for which the designated representative has submitted a timely and complete initial Acid Rain Part application shall be deemed in compliance with the Federal Acid Rain Program requirements provided that the designated representative

submits all timely supplemental information as provided at Rule 62-213.420, F.A.C., and provided the source operates in compliance with the terms and conditions of the Acid Rain Part application during the Department's processing of the application.

(1) Timeliness. The designated representative shall submit a complete Acid Rain Part application as set forth below.:

~~(a) For any existing unit listed at Table 2 or 3 of 40 C.F.R. 73.10, adopted and incorporated by reference at Rule 62-204.800, F.A.C., and for any existing utility unit which is also an Acid Rain unit, the designated representative for the source containing the unit shall submit a complete Acid Rain Part application for the unit in accordance with the schedule for Title V applications pursuant to Rule 62-213.420, F.A.C. For any Acid Rain unit that is required to submit a complete Acid Rain Part application and compliance plan for nitrogen oxides emission pursuant to 40 C.F.R. 76.9(b)(2), adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative shall submit such application and plan not later than January 1, 1998;~~

~~(a)(b)~~ For any new unit, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000, or~~ the date on which the unit commences operation.;

~~(b)(e)~~ For any unit that did not serve a generator with a nameplate capacity greater than 25 megawatts-electrical (MWe) on November 15, 1990, but serves such a generator after November 15, 1990, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000, or~~ the date on which the unit begins to serve a generator with a nameplate capacity greater than 25 MWe.;

~~(c)(d)~~ For any unit which was a simple combustion turbine on November 15, 1990, but which adds or uses auxiliary firing after November 15, 1990, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department at least 24 months before ~~the later of January 1, 2000, or~~ the date on which the auxiliary firing device commences operation.;

~~(d)(e)~~ For any unit that was an exempt cogeneration unit pursuant to 40 C.F.R. 72.6(b)(4), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which during any three calendar year period after November 15, 1990, sold to a utility power distribution system, as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., an annual average of more than one third of its potential electrical output capacity, as defined at 40 C.F.R. 72.2, and more than 219,000 megawatts-electrical hours (MWe hrs) output, on a gross basis, the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department

before ~~the later of January 1, 1998, or~~ March 1 of the year following the three calendar year period in which the unit sold to a utility power distribution system an annual average of more than one-third of its potential electrical output capacity and more than 219,000 MWe-hrs actual electric output on a gross basis.;

~~(e)(f)~~ For any unit which was exempt pursuant to 40 C.F.R. 72.6(b)(5), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which at any time after the date of November 15, 1990, or the date the source containing the unit commences commercial operation, fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(5), the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the calendar year in which the source fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(5).;

~~(f)(g)~~ For any unit which was exempt pursuant to 40 C.F.R. 72.6(b)(6), adopted and incorporated by reference at Rule 62-204.800, F.A.C., but which at any time after the later of November 15, 1990, or the date the source containing the unit commences commercial operation, fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(6), the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the calendar year in which the source fails to meet one or more of the criteria of 40 C.F.R. 72.6(b)(6).;

~~(g)(h)~~ For any unit which was a solid waste incinerator, burning less than 20 percent fossil fuel as described in 40 C.F.R. 72.6(b)(7), adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative of the source containing the unit shall submit a complete Acid Rain Part application governing such unit to the Department before ~~the later of January 1, 1998, or~~ March 1 of the year following the three calendar year period in which the incinerator consumed 20 percent or more fossil fuel on a British thermal unit (Btu) basis.;

(h) For any unit that would opt-in to the Acid Rain program as described in 40 C.F.R. Part 74, Sulfur Dioxide Opt-Ins, adopted and incorporated by reference at Rule 62-204.800, F.A.C., the designated representative of the source containing the unit may submit a complete Acid Rain Part application with monitoring plan governing such unit at any time to the Department.

(i) Pursuant to subparagraph 62-213.420(1)(a)~~2-3~~ and subsection 62-213.430(3), F.A.C., the designated representative of any Title V source having a Title V permit with an Acid Rain Part shall submit a complete application for renewal of the Title V permit with an Acid Rain Part for each Acid Rain unit at the source, and the designated representative

of a Title V source having a separate Acid Rain Part shall submit a complete application for renewal of the separate Acid Rain Part for each Acid Rain unit at the source.

(2) Information Requirements for Applications. The designated representative shall submit a complete Acid Rain Part application using DEP Form No. 62-210.900(1)(a) and DEP Forms Nos. 62-210.900(1)(a)1. and 2., 3., 4., and 5., as appropriate, and including the following:

(a) through (c) No change.

(d) If the unit is a new unit or opt-in source, the date that the unit commenced or will commence operation and the deadline for monitor certification, pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

~~(e) If the unit is an opt-in combustion source, the information required pursuant to 40 C.F.R. 74.16, adopted and incorporated by reference at Rule 62-204.800, F.A.C.: A complete repowering extension plan if the designated representative proposes such a compliance option in accordance with the provisions of subsection 62-214.330(2), F.A.C.;~~

(f) Notification for any exemptions of Acid Rain units if the designated representative indicates such exemption in accordance with Rule 62-214.340, F.A.C.; and

(g) Certification, in accordance with Rule 62-214.350, F.A.C., that the data submitted are true and correct and that the Acid Rain source and each Acid Rain unit shall operate in accordance with the terms and conditions of the Acid Rain Part application (DEP Form No. 62-210.900(1)(a)).

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 4-16-01, 6-2-02,\_\_\_\_\_.

62-214.330 Acid Rain Compliance Plan and Compliance Options.

(1) The designated representative shall submit to the Department a complete Acid Rain compliance plan for each Acid Rain unit included in an Acid Rain Part application, including:

(a) For sulfur dioxide emissions, a certification that, the designated representative will hold allowances, as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C., as of the allowance transfer deadline, as defined at 40 C.F.R. 72.2, not less than the total annual emissions of sulfur dioxide from the unit for the previous calendar year and shall comply with the unit's elected compliance options, if any. Such requirement shall become effective on:

1. No change.

2. The ~~later of January 1, 2000, or the~~ deadline for monitor certification pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C., for an

Acid Rain unit that is a new unit as defined at 40 C.F.R. 72.6(3), adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

3. The deadline for monitor certification pursuant to 40 C.F.R. Part 75, adopted and incorporated by reference at Rule 62-204.800, F.A.C., for an Acid Rain unit that is an opt-in source as defined at 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) No change.

(2) The designated representative of an Acid Rain source may include in the Acid Rain compliance plan compliance options using repowering extensions if the Acid Rain source and the designated representative meet the criteria of this subsection, including source limitation, timing and certification requirements;

(a) A designated representative may apply for repowering extensions as compliance options only for the following:

1. Any existing Acid Rain unit that is a coal-fired unit and that had a 1985 actual sulfur dioxide emissions rate equal to or greater than 1.2 pounds per million British thermal units (mmBtu);

2. Any oil, gas fired or combination oil and gas fired unit that the designated representative certifies as having been awarded clean coal technology demonstration Department of Energy funding as of January 1, 1991;

3. Any new unit that is also a utility unit and that will replace an existing Acid Rain unit meeting the criteria of subparagraph 62-214.330(2)(a)1., F.A.C., at a different site, provided the new unit and the existing Acid Rain unit have the same designated representative and provided that the new unit;

a. Is an oil or gas-fired unit that the designated representative certifies as having been awarded clean coal technology demonstration Department of Energy funding as of January 1, 1991;

b. Uses one of the following clean coal technologies:

1. Atmospheric or pressurized fluidized bed combustion;

2. Integrated gasification combined cycle;

3. Magnetohydrodynamics;

4. Direct and indirect coal-fired turbines;

5. Integrated gasification fuel cells; or,

e. Is certified by the designated representative as having received EPA approval as qualifying repowering technology pursuant to 40 C.F.R. 72.2, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

(b) A repowering extension does not exempt the owner or operator of any unit governed by the Acid Rain compliance plan from the requirement to comply with such unit's Acid Rain emissions limitations for sulfur dioxide.

(c) A designated representative of any unit meeting the criteria of subparagraph 62-214.330(2)(a)1., F.A.C., who is proposing a repowering extension shall certify in accordance with Rule 62-214.350, F.A.C., that:

1. The unit will be repowered with an EPA-approved repowering technology to comply with the unit's Acid Rain emissions limitations for sulfur dioxide; or,

2. The unit will be replaced by a unit meeting the criteria of subparagraph 62-214.330(2)(a)3., F.A.C., and that the existing unit will be permanently retired from service on or before the date on which the new utility unit commences commercial operation.

(d) To apply for a repowering extension, the designated representative shall:

1. Submit a complete repowering extension plan as described at paragraph 62-214.330(2)(e), F.A.C., to the Department, by January 1, 1996;

2. Submit a petition for approval of repowering technology to EPA in accordance with 40 C.F.R. 72.44(d), adopted and incorporated by reference at Rule 62-204.800, F.A.C., before June 1, 1997, and provide a copy to the Department;

3. If the repowering extension plan is submitted to the Department as a conditional compliance option, submit a notice to activate the plan in accordance with Rule 62-214.430, F.A.C., to the Department by December 31, 1997.

(e) A complete repowering extension plan shall include the following:

1. Identification of the existing unit governed by the plan;

2. The existing unit's SIP sulfur dioxide emissions limitation;

3. The best estimate of the existing unit's calendar year 1995 sulfur dioxide emissions rate based on results of the compliance demonstrations for the most recent two-year period prior to submitting the plan, provided that the actual calendar year 1995 sulfur dioxide emissions rate is submitted to the Department by January 30, 1996;

4. A schedule for construction, installation, and commencement of operation of any repowering technology either approved by EPA or submitted for EPA approval pursuant to 40 C.F.R. 72.44(d) with dates for the following milestones:

a. Completion of design engineering;

b. For a plan described at paragraph 62-214.330(2)(e)1., F.A.C., removal of the existing unit from operation, to install the qualified repowering technology;

c. Commencement of construction;

d. Completion of construction;

e. Start-up testing;

f. For a plan described at subparagraph 62-214.330(2)(e)2., F.A.C., shutdown of the existing unit and commencement of commercial operation of the repowering technology;

5. For a plan described at subparagraph 62-214.330(2)(e)2., F.A.C.:

~~b. Certification, in accordance with Rule 62-214.350, F.A.C., that the new unit will replace the existing unit, that the new unit has the same designated representative as the existing unit and that the existing unit will be permanently retired from service on or before the date the new unit commences commercial operation.~~  
~~a. Identification of the new unit;~~

~~6. A statement that the Acid Rain source agrees to act in conformity with the special provisions of 40 C.F.R. 72.44(h), adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~7. A statement that the designated representative shall comply with the requirements of 40 C.F.R. 72.94, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

~~(f) A designated representative shall not include any new unit in more than one repowering extension plan.~~

~~(g) The repowering extension shall become effective January 1, 2000, and shall terminate on the earlier of December 31, 2003, or on the day preceding the date on which the existing unit will be removed from operation to install the qualifying repowering technology or on which the existing unit will be permanently removed from service for replacement by a new unit with such technology except that the repowering extension shall terminate as provided in 40 C.F.R. 72.44 in the event of failure of any repowering technology specified in a compliance option.~~

~~(2)(3) No change.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, \_\_\_\_\_.

62-214.340 Exemptions.

(1) New Units Exemption.

(a) No change.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.7(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP Form No. 62-210.900(1)(a)2. and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the notice need not be provided if the unit has already received a written new unit exemption and the unit shall be subject to the requirements of 40 CFR 72.7(a), (d), (e)(2), and (f).

2. through 3. No change.

(b) through (d) No change.

(2) Retired Units Exemption.

(a) No change.

1. For purposes of this section, timely and sufficient notice is a statement meeting all of the criteria of 40 CFR 72.8(b)(2), certified as required by Rule 62-214.350, F.A.C., using form DEP Form No. 62-210.900(1)(d)(a)3. and submitted to the Department no later than December 31 of the first calendar year for which the exemption shall be effective, except that the

notice need not be provided if the unit has already received a written retired unit exemption and the unit shall be subject to the requirements of 40 CFR 72.8(d).

2. No change.

(b) through (c) No change.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 6-2-02, \_\_\_\_\_.

62-214.360 Department Action on Applications.

Any application submitted pursuant to this chapter, including any proposal for ~~any repowering extension plan~~ or NOx alternative emission limitation, shall be processed by the Department under the provisions of Rules 62-213.420 and 62-213.430, F.A.C., with the following additional limitations:—

(1) The Department shall not approve any Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., until the Department receives, in addition to the information required by paragraph 62-210.900(1)(a), Rules 62-214.320 and 62-214.330, F.A.C., certification from the designated representative that the proposed Acid Rain compliance plan technology has received any necessary EPA approvals, pursuant to 40 CFR 72.44(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

(2) The Department shall take no final action on any permit application for revision submitted by a designated representative to alter or terminate any Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., until the Department receives notice from EPA that the proposed revision has received necessary EPA approvals;—

(3) The Department shall consider notice from EPA that an Acid Rain compliance plan described at subsection 62-214.330(2) ~~or (3)~~, F.A.C., has failed or for other reason no longer has necessary EPA approval to be cause for permit revision pursuant to Rule 62-4.080, F.A.C.;

(4) The Department shall not allocate allowances.;—

(5) No change.

~~(6) Each unit subject to an Acid Rain NOx emissions limitation, the Department shall, no later than January 1, 1999:~~

~~(a) Amend the Acid Rain Part pursuant to Rule 62-214.370, F.A.C., and add any NOX early election plan that was approved by EPA and has not been terminated, and~~

~~(b) Take final action on applications for revision of Acid Rain Parts to incorporate the nitrogen oxides requirements of 40 CFR Part 76, adopted and incorporated by reference at Rule 62-204.800, F.A.C., provided the applicant has submitted a timely and complete application for revision pursuant to Rule 62-214.320, F.A.C., and the provisions of 40 CFR Part 76.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01, 4-16-01, 6-2-02, \_\_\_\_\_.



62-214.420 Acid Rain Part Content.

In addition to the requirements of Chapter 62-213, F.A.C., any draft, proposed or final Acid Rain Part, shall contain the following:

(1) through (7) No change.

~~(8) A statement that the designated representative of any unit with an Acid Rain Part that includes repowering as a compliance option shall comply with the requirements of 40 C.F.R. 72.94, adopted and incorporated by reference at Rule 62-204.800, F.A.C., concerning reporting any submittal to EPA and that the designated representative shall provide the Department copies of such submittals;~~

~~(9) A statement that the designated representative shall notify EPA, and provide a copy of the notice to the Department, of the failure of any repowering technology specified in a compliance option;~~

~~(8)(10) No change.~~

~~(9)(11) A statement that the annual statement of compliance pursuant to subsection 62-213.440(3), F.A.C., be submitted within 60 days after the end of the calendar year;~~

~~(10)(12) A statement that an Acid Rain source shall comply with the recordkeeping and reporting requirements of 40 C.F.R. 72.9(f), adopted and incorporated by reference at Rule 62-204.800, F.A.C. Such recordkeeping and reporting requirements are in addition to those requirements of Chapter 62-213, F.A.C.; and~~

~~(11) For opt-in sources, the requirements of 40 C.F.R. 74.12, adopted and incorporated by reference at Rule 62-204.800, F.A.C.~~

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01,\_\_\_\_\_.

62-214.430 Implementation and Termination of Compliance Options.

(1) Activation. The designated representative shall not activate an approved conditional compliance option except by providing notice to the Department that the option will actually be pursued beginning January 1 of a specified year. An approved conditional compliance option must be activated, if at all, before the date of any enforceable milestone applicable to the option. The option becomes binding on the owners and operators of any unit governed by the option at the time the designated representative submits the notice. The notice shall:

(a) Specify the first calendar year and the last calendar year for which the approved conditional compliance option is to be active; and

(b) Certify that the source has obtained all necessary EPA approvals of the technology pursuant to Subpart D of 40 C.F.R. Parts 72, 74, and 76, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

(2) Termination of Approved Conditional Compliance Options.

~~(a) Approved Conditional Compliance Options.~~ The designated representative shall not terminate an approved conditional compliance option after activation except by providing notice to the Department that the termination will occur on January 1 of a specified year. The termination becomes binding on the owners and operators and the designated representative of any unit governed by the option at the time the designated representative submits the notice.

± The notice of termination shall:

~~(a)±~~ Specify the calendar year for which the approved conditional compliance option is to be terminated; and

~~(b)±~~ Certify that the source has obtained any necessary EPA approvals of the termination pursuant to Subpart D of 40 C.F.R. Parts 72, 74, and 76, each adopted and incorporated by reference at Rule 62-204.800, F.A.C.;

~~(b) Repowering Extensions.~~ The designated representative shall provide notice of termination of any Acid Rain compliance plan incorporating repowering extension as provided by 40 C.F.R. 72.44, adopted and incorporated by reference at Rule 62-204.800, F.A.C.

1. Termination resulting from failure of the repowering plan shall be submitted as an application for revision of the Acid Rain Part, pursuant to this chapter and Chapter 62-213, F.A.C., and 40 C.F.R. 72.44(g), adopted and incorporated by reference at Rule 62-204.800, F.A.C., and shall be processed pursuant to Rules 62-213.420, 62-213.430 and 62-214.360, F.A.C. A copy of the application for revision of the Acid Rain Part shall be submitted to the EPA.

2. Termination for reasons other than failure must be accomplished prior to December 31, 1999, and shall be accomplished in the same manner as termination of an approved conditional compliance option pursuant to paragraph 62-214.430(2)(a), F.A.C.

(3) No change.

(4) Upon receipt of ~~a~~ the notices described at subsection paragraph 62-214.430(1)(a) or and subsection subparagraph 62-214.430(2)(a)±, F.A.C., the Department shall correct the source's permit pursuant to Rule 62-210.360, F.A.C., and subsection 62-214.370(6)(2), F.A.C.

Specific Authority 403.061, 403.087, 403.0872 FS. Law Implemented 403.031, 403.061, 403.0872 FS. History—New 1-3-95, Amended 7-6-95, 12-10-97, 1-3-01,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mr. Joseph Kahn, Director, Division of Air Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ms. Mimi Drew, Deputy Secretary  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 28, 2007

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

**DEPARTMENT OF HEALTH**

**Division of Medical Quality Assurance**

RULE NO.: 64B-9.002                      RULE TITLE: Physician Survey Procedures

PURPOSE AND EFFECT: To create a new rule relating to physician workforce surveys.

SUMMARY: This rule specifies how the survey is to be completed, how the nondisciplinary citations shall be issued, how the warning letters are to be handled, and that renewal is not permitted until after the licensee has completed the survey.

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: 458.3191(4), 459.0081(4) FS.

LAW IMPLEMENTED: 458.3191, 459.0081 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: Lola Pouncey, Bureau Chief, 4052 Bald Cypress Way, Bin #C-10, Tallahassee, Florida 32399-3255

THE FULL TEXT OF THE PROPOSED RULE IS:

64B-9.002 Physician Survey Procedures.

(1) At time of licensure renewal, each medical doctor and osteopathic physician who renews his or her license on line at www.FLHealthSource.com must fully complete all applicable portions of the physician survey questionnaire on line. Physicians who do not renew online are required to obtain, complete and submit a paper copy of the questionnaire with their renewal.

(2) The nondisciplinary citation issued to a licensee for failing to complete the survey shall be sent by regular U.S. Mail to the licensee's last address of record. The license renewal notice warning of the prohibition against renewal without first completing the survey shall be sent by regular U.S. Mail to the licensee's last address of record, and the license shall not be renewed until the questionnaire has been completed.

Specific Authority 458.3191(4), 459.0081(4) FS. Law Implemented 458.3191, 459.0081 FS. History—New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Lola Pouncey  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Lucy Gee

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: November 7, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.002                      RULE TITLE: Supervisor

PURPOSE AND EFFECT: The purpose of this notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUMMARY: This rule sets forth the qualifications and responsibilities of those responsible for the day-to-day supervision and oversight of technical and scientific operations in a clinical laboratory.

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: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.002 Supervisor.

Qualifications and Responsibilities.

(1) Qualification. Degrees or semester hours of academic credit required in this section shall be obtained at a regionally accredited college or university or by foreign education equated pursuant to subsection 64B3-6.002(6), F.A.C. In order to be licensed as a supervisor, an applicant shall be licensed or meet the requirements for licensure as a technologist, and have a Board approved 2-hour course relating to the prevention of medical errors, which shall include root-cause analysis, error reduction and prevention, ~~and~~ patient safety, and one of the following:

| Specialty  | Option | Education  | Training/Experience  | Examination  |
|--|--------|--|--|--|
| (a) Microbiology, Serology/<br>Immunology, Clinical<br>Chemistry, Hematology,<br>Immunochemistry, Blood<br>Banking (Donor Processing),<br>and Cytogenetics | 1      | Doctoral Degree<br>in Clinical<br>Laboratory,<br>Chemical or<br>Biological<br>Science  | One year of pertinent clinical<br>laboratory experience in the<br>category in which licensure is<br>sought, and 25 hours of<br>Board-approved continuing<br>education in supervision and<br>administration   |  |
|  | 2      | Doctoral Degree<br>in Clinical<br>Laboratory,<br>Chemical or<br>Biological<br>Science  | One year of pertinent clinical<br>laboratory experience in the<br>category in which licensure is<br>sought   | DLM(ASCP) or<br>CLSup(NCA) for all<br>categories, SC(ASCP)<br>for clinical chemistry,<br>SH(ASCP) for<br>hematology and<br>SBB(ASCP) for blood<br>banking and<br>immunochemistry     |
|  | 3      | Masters Degree<br>in Clinical<br>Laboratory,<br>Chemical or<br>Biological<br>Science   | Three years of pertinent clinical<br>laboratory experience, with at least<br>1 year experience in the category in<br>which licensure is sought, and 25<br>hours of Board-approved<br>continuing education in supervision<br>and administration   |  |
|  | 4      | Masters Degree<br>in Clinical<br>Laboratory,<br>Chemical or<br>Biological<br>Science   | Three years of pertinent clinical<br>laboratory experience, with at least<br>1 year experience in the category in<br>which licensure is sought   | DLM(ASCP) or<br>CLSup(NCA) for all<br>categories, SC<br>(ASCP) for clinical<br>chemistry,<br>SH(ASCP) for<br>hematology and<br>SBB(ASCP) for<br>blood banking and<br>immunochemistry |
|  | 5      | Bachelors Degree<br>with 24 semester<br>hours of<br>academic science<br>including 8<br>semester hours of<br>biological<br>sciences and 8<br>semester hours of<br>chemical sciences | Five years of pertinent clinical<br>laboratory experience, with at least<br>2 years experience at the<br>Technologist level, and at least 1<br>year experience in the category in<br>which licensure is sought, and 25<br>hours of Board-approved<br>continuing education in supervision<br>and administration |  |

|   |           |   |  |   |
|---|-----------|---|--|---|
| (b) through (c)<br>(d) Andrology,<br>Embryology | 6         | Bachelors Degree with 24 semester hours of academic science including 8 semester hours of biological sciences and 8 semester hours of chemical sciences | Five years of pertinent clinical laboratory experience, with at least 2 years experience at the Technologist level, and at least 1 year experience in the category in which licensure is sought  | DLM(ASCP) or CLSup(NCA) for all categories, SC(ASCP) for clinical chemistry, SH(ASCP) for hematology and SBB(ASCP) for blood banking and immunohematology |
|   | No change |   |  |   |
|   | 1         | Doctoral Degree in Clinical Laboratory, Chemical or Biological Science.   | One year of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.   |   |
|   | 2         | Doctoral Degree in Clinical Laboratory, Chemical or Biological Science.   | One year of pertinent clinical laboratory experience in the category in which licensure is sought.   | TS(ABB) for specialty sought.   |
|   | 3         | Masters Degree in Clinical Laboratory, Chemical or Biological Science.  | Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.  |   |
|   | 4         | Masters Degree in Clinical Laboratory, Chemical or Biological Science.  | Three years of pertinent clinical laboratory experience, with at least 1 year experience in the category in which licensure is sought.   | TS(ABB) for specialty sought.   |
|   | 5         | Bachelors Degree in Clinical Laboratory, Chemical or Biological Science.  | Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought, and 25 hours of Board-approved <del>hours</del> continuing education in supervision and administration. |   |
| (e)   | 6         | Bachelors Degree in Clinical Laboratory, Chemical or Biological Science.  | Five years of pertinent clinical laboratory experience, with at least 2 years experience in the category in which licensure is sought.   | TS(ABB) for specialty sought.   |
|   | No change |   |  |   |

|                         |   |   |  |  |
|-------------------------|---|---|--|--|
| (f) Molecular Pathology | 1 | Doctoral Degree in Clinical Laboratory, Chemical or Biological Science  | One year of pertinent clinical laboratory experience in the category in which licensure is sought, and 25 hours of Board-approved continuing education in supervision and administration                                 |  |
|                         | 2 | Doctoral Degree in Clinical Laboratory, Chemical or Biological Science. | One year <u>of</u> pertinent clinical laboratory experience in the category in which licensure is sought.  | The Molecular Diagnostics examination given by ABB.        |
|                         | 3 | Masters Degree in Clinical Laboratory, Chemical or Biological Science.  | Three years of pertinent clinical laboratory experience, and 25 hours of Board-approved continuing education in supervision and administration.  |  |
|                         | 4 | Masters Degree in Clinical Laboratory, Chemical or Biological Science.  | Three years of pertinent clinical laboratory experience, <del>with at least 1 year experience</del> in the category in which licensure is sought.  | <u>The Molecular Diagnostics</u> examination given by ABB. |
|                         | 5 | Bachelors Degree <u>w</u> With 16 semester hours of academic science.   | Five years of pertinent clinical laboratory experience, <del>and</del> with at least 2 years experience at the Technologist level and 25 hours of Board-approved continuing education in supervision and administration. |  |
|                         | 6 | Bachelors Degree <u>w</u> With 16 semester hours of academic science.   | Five years of pertinent clinical laboratory experience, <del>and</del> with at least 2 years experience at the Technologist level  | The Molecular Diagnostics examination given by ABB.        |

(2) In lieu of one year of experience required by subsection 64B3-5.002(1), F.A.C., an applicant may use Board certification obtained by examination in one or more of the laboratory specialties through the Board of Registry of the ~~ASCP, The American Society for Clinical Pathology, National Credentialing Agency of Laboratory Personnel, National Registry of Clinical Chemistry, The National Registry of Certified Chemists,~~ American Academy of Microbiology, American Medical Technologists, American Board of ~~Bioanalysis Misanalysis Biocatalysts,~~ American Association of Bioanalysts, ~~American Board of Bioanalysis,~~ American Board of Clinical Chemistry, American Board of Medical Microbiology, American Board of Medical Genetics, American Board of Medical Laboratory Immunology, or American Board of Histocompatibility and Immunogenetics. This certification shall not substitute for the one year of pertinent clinical laboratory experience in an individual category for which licensure is sought.

- (3) No change.
- (4) The Board approved Supervision and Administration examinations, used in lieu of the required 25 hours of supervision and administration continuing education are:
  - (a) through (h) No change.
  - (i) The National Registry of Certified Chemists (NRCC).

Specific Authority 483.805(4), 483.823 FS. Law Implemented ~~381.0034,~~ 483.800, 483.809, 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 12-4-95, Formerly 59O-5.002, Amended 5-26-98, 1-11-99, 6-10-99, 3-11-01, 9-19-01, 5-23-02, 10-14-02, 9-16-03, 4-20-04, 2-23-06, 5-25-06, 7-9-07, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Board of Clinical Laboratory Personnel  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

RULE NO.: 64B3-5.003  
 RULE TITLE: Technologist

PURPOSE AND EFFECT: The purpose of this notice is to correct errors that were present in the version of this rule that became effective on July 9, 2007.

SUMMARY: This rule sets forth the qualifications of those clinical laboratory personnel who represent the first level of independent practice and, under general supervision, fulfill the responsibilities specified in Rule 64B3-13.003, 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: 483.805(4), 483.823 FS.

LAW IMPLEMENTED: 483.800, 483.809, 483.815, 483.823 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Joe Baker, Jr., Executive Director, Board of Clinical Laboratory Personnel, 4052 Bald Cypress Way, Bin # C07, Tallahassee, Florida 32399-3257

THE FULL TEXT OF THE PROPOSED RULE IS:

64B3-5.003 Technologist.

(1) through (2) No change.

(3) In addition, at least one of the following requirements must be met for specific areas of licensure. In some cases there are multiple options for meeting the requirement.

| Specialty   | Option | Education  | Training/Experience  | Examination  |
|---|--------|--|--|--|
| (a) Microbiology, Serology/ Immunology, Clinical Chemistry, Hematology, Immunohematology, and Molecular Pathology | 1      | Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science | Clinical laboratory training program or 3 years experience 1 year in each specialty for which licensure is sought) | MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) <u>NRCC</u> examinations, or specialist examinations in single disciplines for licensure in that specialty area |
|   | 2      | 90 semester hours college credit   | Clinical laboratory training program   | MT(ASCP), CLS(NCA), MT(AMT), MT(AAB) examinations, or specialist examinations in single disciplines for licensure in that specialty area             |
|   | 3      | Associate Degree in Clinical/Medical Laboratory Technology               |  | MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area                                  |
|   | 4      | Associate Degree   | Successfully completed a military clinical laboratory training program of at least 1500 clock hours                | MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area                                  |

|                                     |                |   |  |   |
|-------------------------------------|----------------|---|--|---|
|                                     | 5              | Associate Degree  | 5 years of pertinent clinical laboratory experience with one year of experience in each category for which licensure is sought   | MT(AAB) examinations, including specialist examinations, in single disciplines for licensure in that specialty area |
| (b) through (c)<br>(d) Cytogenetics | No change<br>1 | <del>Bachelors Degree in Clinical Laboratory, Chemical, or Biological Science with 36 hours of academic science</del> | Board approved training program in cytogenetics at the technologist level  | CLS(NCA) Cytogenetics examination   |
|                                     | 2              | Bachelors Degree with 36 hours of academic science in Clinical Laboratory, Chemical, or Biological Science            | One year of pertinent clinical laboratory experience in cytogenetics   | CLS(NCA) Cytogenetics examination   |
| (e) through (f)<br>(g) Histology    | No change<br>1 |   |  | HTL(ASCP), or HT(ASCP) QIHC HT(ASCP)  |
|                                     | 2              | Associate Degree  | NAACLS-approved Histotechnology Program  |   |
|                                     | 3              |   | Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques.  | HT(ASCP)  |
|                                     | <u>4</u>       |   | <u>Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology</u>      |   |
| (h) Histocompatibility              | 1<br>4         |   | <del>Five years of pertinent experience and 48 contact hours of continuing education in immunohistochemistry/advanced histologic techniques and licensure as a technician in the specialty of histology.</del> | CHT(ABHI)   |

Specific Authority 483.805(4), 483.811(2), 483.823 FS. Law Implemented ~~381.0034~~, 483.800, 483.809, 483.811(2), 483.815, 483.823 FS. History—New 12-6-94, Amended 7-12-95, 9-10-95, 12-4-95, Formerly 590-5.003, Amended 5-26-98, 1-11-99, 7-5-01, 3-24-02, 10-29-02, 8-16-04, 5-15-05, 12-19-05, 5-25-06, 7-9-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Laboratory Personnel  
 NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Laboratory Personnel  
 DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 2, 2007  
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NOS.:           RULE TITLES:  
64B7-25.001       Examination Requirements  
64B7-25.004       Endorsements

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the existing language in the current rules.  
SUMMARY: The rule amendment will update the existing language in the current rules.

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(2),(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2),(4)(c), 480.042(1) FS.

LAW IMPLEMENTED: 456.013(2),(7), 456.017(1)(c), 456.034, 480.041, 480.042 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 Massage Therapy/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULES IS:

64B7-25.001 Examination Requirements.

(1) The Department shall issue a license to a person who:  
(a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure." (Rev. 11/07). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at www.doh.state.fl.us;

(c)(b) Completes a course of study at a massage school approved by the Board pursuant to Rule Chapter 64B7-32, F.A.C.; or completes an approved apprenticeship program in accordance with Rule Chapter 64B7-29, F.A.C.;

(c) through (e) renumbered (d) through (f) No change.  
(2) No change.

Specific Authority 456.013(7), 456.017(1)(c), 456.034, 480.035(7), 480.041(2), 480.042(1) FS. Law Implemented 456.013(7), 456.017(1)(c), 456.034, 480.041, 480.042 FS. History--New 11-27-79, Amended 9-2-80, 10-9-85, Formerly 21L-25.01, Amended 12-22-92, 3-24-93, 5-20-93, Formerly 21L-25.001, Amended 8-12-93, 6-28-94, 8-18-96, Formerly 61G11-25.001, Amended 5-20-98, 7-30-02,\_\_\_\_\_.

64B7-25.004 Endorsements.

(1) The Department shall issue a license by endorsement to a person who:

(a) No change.

(b) Submits a completed application on form DH-MQA 1115, "Application For Licensure." (Rev. 11/07). The form and the attached instructions are incorporated herein by reference and may be obtained from the Board Office at 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399 or from the website located at www.doh.state.fl.us; and

(c)(b) Is currently licensed and has practiced massage under the laws of another state, and was required, in order to be so licensed to meet standards of education or apprenticeship training substantially similar to, equivalent to, or more stringent than those required for licensure by Florida law and these rules; and

(c) through (g) renumbered (d) through (h) No change.

(2) No change.

Specific Authority 456.013(2), 480.035(7), 480.041(4)(c) FS. Law Implemented 456.013(2), 480.041(4)(c) FS. History--New 11-27-79, Amended 7-9-80, 8-29-83, 10-9-85, Formerly 21L-25.04, Amended 6-12-88, 8-15-89, 2-11-93, Formerly 21L-25.004, Amended 9-15-94, 1-9-95, 8-18-96, 1-29-97, Formerly 61G11-25.004, Amended 6-22-99, 12-6-06,\_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

**DEPARTMENT OF HEALTH**

**Board of Massage**

RULE NO.:           RULE TITLE:  
64B7-26.002       Licensure of Massage Establishments

PURPOSE AND EFFECT: The Board proposes the rule amendment to update the existing language in the current rule.  
SUMMARY: The rule amendment will update the existing language in the current 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: 480.035(7), 480.043(2) FS.

LAW IMPLEMENTED: 480.043(1),(2), 483.043(7) 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 Massage Therapy/MQA, 4052 Bald Cypress Way, Bin # C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B7-26.002 Licensure of Massage Establishments.

(1) Each establishment, shall obtain a license from the Department as required by Section 480.043(1), Florida Statutes, by submitting a completed form BMT3 (Rev. 3/07), Massage Establishment Licensure Application (~~Rev. 7/97~~) ~~Application for License Massage Establishment~~, incorporated herein by reference, together with the fee set forth in Rule 64B7-27.003, F.A.C.

(2) through (4) No change.

Specific Authority 480.035(7), 480.043(2) FS. Law Implemented 480.043(1), (2), 483.043(7) FS. History—New 11-27-79, Formerly 21L-26.02, Amended 1-7-86, Formerly 21L-26.002, Amended 3-9-95, 9-25-95, Formerly 61G11-26.002, Amended 7-16-98, 1-26-00, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Massage Therapy

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 26, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 19, 2007

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

|            |  |
|------------|--|
| RULE NOS.: | RULE TITLES:   |
| 64C-8.001  | Definitions Used in the Child Protection Team Rule             |
| 64C-8.002  | Child Protection Team Organization, Roles and Responsibilities |
| 64C-8.003  | Child Protection Team Services                                 |
| 64C-8.004  | Waivers  |

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Child Protection Teams.

SUMMARY: Amendments provide new and updated definitions; revises minimum criteria for a Child Protection Medical Director, Team Coordinator, Psychologist, Team Physicians, Physician Assistants, and Advanced Registered Nurse Practitioners, and Team Attorneys; updates eligibility criteria and services; and clarifies waiver procedures.

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: 39.303, 415.514 FS.

LAW IMPLEMENTED: 415.5055 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: Janet Evans, janet\_evans@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

64C-8.001 Definitions Used in the Child Protection Team Rule.

For the purpose of this rule chapter, the following definitions will apply:

~~(1) “ARNP” means — advanced registered nurse practitioner.~~

~~(1)(2) “Case” means – an individual child referred to and accepted by a child protection team for assessment services as a result of a report of alleged abuse or neglect made to the Hotline who receives services from the child protection team.~~

~~(2)(3) “Case Coordinator” means – a member of the child protection team professional staff who provides or directs the activities on behalf of clients to complete team assessment services.~~

~~(3)(4) “Medical Consultation” means – the rendering by a Child Protection Team physician’s or a Physician’s Assistant’s, under the supervision of a physician, or Advanced Registered Nurse Practitioner’s rendering, for the evaluation of suspected child abuse or neglect, of a medical opinion regarding a child, based upon oral or written information having been obtained by the Child Protection Team physician, Physician’s Assistant, or Advanced Registered Nurse Practitioner, where the child may not have been physically examined by the Child Protection Team physician, Physician’s Assistant, or Advanced Registered Nurse Practitioner.~~

~~(4)(5) “Medical Diagnostic Examination” means – a medical evaluation performed by a Child Protection Team physician, Physician’s Assistant, or an Advanced Registered Nurse Practitioner, resulting in a written report with a clear statement of findings and conclusion.~~

~~(5)(6) “Psychological Evaluation” means – an evaluation performed by a licensed psychologist, resulting in a written report.~~

~~(6)(7) “Team Assessment” means – the medically-directed multidisciplinary process of evaluation.~~

(7) “Team Attorney” – a member of the Florida Bar who is available on a part time basis to work with the Child Protection Team to provide legal services and consultation.

(8) “Team Coordinator” – the person in charge of managing the day to day operation of a Child Protection Team.

(9) “Telemedicine” – the use of telecommunication and information technology to provide clinical care to individuals at a distance and to transmit the information needed to provide that care.

Specific Authority 39.303, 415.514 FS. Law Implemented 415.5055 FS. History--New 3-2-93, Amended 5-7-96, Formerly 10J-10.002, 65C-7.001, Amended \_\_\_\_\_.

64C-8.002 Child Protection Team Organization, Roles and Responsibilities.

(1) Each Child Protection Team will function under the oversight direction of and be supervised by a CMS approved provider consultant pediatrician whose title will be Child Protection Team Medical Director. The minimum qualifications for this position are:

(a) Graduation from an accredited school of medicine with board certification in pediatrics and licensed to practice in Florida.

(b) An approved CMS physician provider.

(c) Demonstrated interest in the field of child abuse and neglect and satisfactory completion of training deemed necessary by the department for evaluating alleged abuse and neglect.

(d) Availability to provide oversight of team and client assessments.

(2) Each Child Protection Team will have an on-site Team Coordinator who will be responsible for the daily coordination of Team activities and services. The minimum qualifications for this position are:

a. Bachelors or Masters Degree in a Human Services field, Psychology, Social Work, or Nursing.

b. At least three years of experience in the field of child abuse and neglect, one of which must have been in program management.

~~(3) The qualifications for the position of Team Coordinator include a Bachelor’s or Masters degree in Psychology, Social Work, Nursing, or another behavioral science, at least three years of experience in the field of child abuse and neglect, and experience in program management.~~

(3)(4) Child Protection Team staff shall consist of one or more case coordinators with Bachelors or Masters degrees in Psychology, Social Work, Nursing, or another behavioral science and not less than three years of experience in working with children and their families, one year of which must be with abused and neglected children, who complete assessment activities and referrals, and perform related duties. The minimum qualifications for this position are:

(a) Bachelors or Masters Degree in a Human Services field, Psychology, Social Work, or Nursing.

(b) At least two years of experience working with children and/or families, one year of which must be working with abused and neglected children.

(4)(5) Physicians, Advanced Registered Nurse Practitioners, attorneys, psychologists (or psychiatrists) will be available as needed or appropriate for consultation and diagnosis and evaluation.

(5)(6) Each team shall have available a Florida licensed psychologist with training and experience in evaluation and treatment of child abuse and neglect. The minimum qualifications for this person are:

(a) Licensure under Chapter 490, Florida Statute, and adherence to standards established by the Department of Health, the American Psychological Association, and the Florida Department of Business and Professional Regulation (DBPR).

(b) Ongoing education, experience, and training as required by the Department of Health, Children’s Medical Services.

(c) Sufficient professional experience and expertise to be qualified as a mental health and family violence expert in criminal, civil and dependency courts in Florida.

(6)(7) Each Child Protection Team shall have team Pediatricians or Advanced Registered Nurse Practitioners who work part-time with the Team, under the supervision of the Team Medical Director, CPT on a contractual or fee for service basis and respond to requests for medical consultation and evaluation of children suspected of being abused or neglected, under the supervision of the CPT Medical Director. These evaluations may take place in a hospital space or in an out-patient or private office setting. The qualifications for this position are:

(a) Physician.

1. Graduation from an accredited school of medicine with board certification/eligibility in pediatrics and licensed to practice in Florida.

2. An approved CMS physician medical provider.

3. Experience in the evaluation and treatment of child abuse and neglect or agreement to receive training deemed necessary by the department for evaluating alleged abuse and neglect.

(b) Advanced Registered Nurse Practitioner.

1. Licensure in the state of Florida to practice professional nursing and certification in advanced or specialized pediatrics or family medicine nursing practice.

2. Experience in the evaluation and treatment of child abuse and neglect or agreement to receive training deemed necessary by the department for evaluating alleged abuse and neglect.

~~(7)~~ The Child Protection Team can use Physician's Assistants under the supervision of a Child Protection Team physician in accordance with Section 458.347, Florida Statutes.

~~(8)(7)~~ Each Child Protection Team shall have a Team Attorney who works with the team on a part-time basis under the general oversight ~~supervision~~ of the Team Medical Director to provide legal ~~services and~~ consultation to the team. ~~The attorney shall be a member of the Florida Bar.~~ The qualifications for this position are:

- (a) Member of the Florida Bar.
- (b) Availability to work with the team on a part-time basis

Specific Authority 39.303, 415.514 FS. Law Implemented 415.5055 FS. History—New 3-2-93, Amended 5-7-96, Formerly 10J-10.006, 65C-7.002, Amended.

64C-8.003 Child Protection Team Services.

(1) A Child Protection Team physician or Advanced Registered Nurse Practitioner and a case coordinator must be available 24 hours a day, seven days a week for consultation. ~~or~~ On-site services provision: will be provided as deemed necessary for child safety.

(2) Child Protection Team services are provided in cases of suspected abuse or neglect without regard to income. All children, reported as being abused or neglected by an adult caretaker and accepted by the Florida Abuse Hotline for Children and Families protective investigation, are eligible for Child Protection Team ~~team assessment~~ services.

~~(3) A full team staffing will be conducted when requested by the Children and Families case manager. A staffing will be scheduled by the CPT case coordinator and must include at a minimum the following team members:~~

- ~~(a) Team Medical Director or a physician/ARNP designated to take his/her place.~~
- ~~(b) Case coordinator responsible for the case.~~
- ~~(c) Team attorney as designated by the CPT.~~
- ~~(d) Team Psychologist (or psychiatrist).~~
- ~~(e) Children and Families case manager.~~

~~(4) If consensus cannot be reached in the staffing, the matter must be taken to the Children and Families supervisor who will try to resolve it with the team coordinator. If the problem cannot be resolved at that level, it must be taken through the established channels, to the district administrator or his designee. Each district must develop a procedure for achieving consensus in disputed cases including representation from the Child Welfare Legal Services.~~

(3) Each Child Protection Team must work with its local child protection agency to develop a local protocol for achieving consensus, including representation from appropriate legal staff, and follow this procedure in disputed cases. If the issue cannot be resolved at the local level, the team coordinator should contact his or her program office liaison for assistance.

~~(4)(5)~~ All Child Protection Teams must use CMS approved ~~consultant~~ board certified pediatricians as provided in Rule 64C-4.001, F.A.C., ~~10J-5.007, F.A.C.~~; to provide medical diagnosis and evaluation. With approval of the CMS Medical Director, Child Protection Teams may also utilize the services of an Advanced Registered Nurse Practitioner to provide medical diagnosis and evaluations.

(5) Medical diagnosis and evaluation can be conducted in person or through the use of telemedicine technology. Use of telemedicine requires the presence of a CMS approved physician or Advanced Registered Nurse Practitioner at the hub site and a Registered Nurse at the remote site to facilitate the evaluation.

~~(6) Child Protection Team members Physicians and Psychologists~~ providing expert court testimony in a non-dependency proceeding may ~~shall~~ request reimbursement from the court, ~~not the CPT.~~

Specific Authority 39.3031, 415.514 FS. Law Implemented 39.0133, 92.231, 415.5055, 415.507(4), 960.28 FS. History—New 3-2-93, Amended 5-7-96, Formerly 10J-10.007, 65C-7.003, Amended.

64C-8.004 Waivers.

(1) In the event that compliance with any standard contained herein is not attained, a program may request a waiver of that standard.

(2) All requests for waiver of a specific standard shall be submitted in writing to the Children's Medical Services Program Office, Director of Prevention and Intervention, ~~through the District Administrator~~ and shall include documentation of the need for the waiver.

~~(3) A waiver of a specific standard shall be granted only for a specific period of time which shall not exceed the contract period.~~

~~(3)(4)~~ Final approval or disapproval of all requests for waiver shall be made by the Deputy Secretary for Children's Medical Services or their designee, who will make. ~~The Deputy Secretary for CMS shall base the decision to grant or deny a specific request for waiver of a standard upon the documented rationale presented for the request. Waiver requests shall contain at least these sections:~~

- (a) Identification of the ~~facility standard or~~ personnel standard for which the waiver is requested;
- (b) Description of the attempts to meet the standard;
- (c) A plan for remediating the need for the waiver;
- (d) Assurance and an explanation in the request that the granting of such a waiver will not adversely affect the quality of care rendered by the provider; and
- (e) An assessment of need and lack of existence of alternative solutions.

~~(4)(5)~~ The Children's Medical Service Program Office shall notify the program in writing, ~~through the district administrator,~~ that the request for waiver of a specific standard

has been granted or denied. If a request for a waiver is denied, the denial letter shall include advice of the right to request an administrative hearing under Section 120.57, Florida Statutes.

Specific Authority 39.3031, 415.514 FS. Law Implemented 39.303 FS. History--New 3-2-93, Amended 5-7-96, Formerly 10J-10.008, 65C-7.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Janet Evans, janet\_evans@doh.state.fl.us  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peggy Scheuermann  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

**DEPARTMENT OF HEALTH**

**Division of Children’s Medical Services**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 64C-9.001  | Definitions Used in the Sexual Abuse Treatment Rule                     |
| 64C-9.002  | Sexual Abuse Treatment Program Organization, Roles and Responsibilities |
| 64C-9.003  | Eligibility Criteria  |
| 64C-9.004  | Waivers   |

PURPOSE AND EFFECT: The proposed amendments to Children’s Medical Services Rules 64C-8.001-.004, F.A.C., update and reflect the standards for Sexual Abuse Treatment Programs.

SUMMARY: These amendments provide new and updated definitions; revised criteria for a Program Coordinator and counseling staff; updates eligibility criteria and services; and clarifies waiver procedures.

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: 39.3031 FS.

LAW IMPLEMENTED: 39.305 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: Janet Evans, janet\_evans@doh.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE IS:

64C-9.001 Definitions Used in the Sexual Abuse Treatment Rule.

(1) “CMS” means – Children’s Medical Services.

(2) “Counseling” means ~~treatment provided to enhance and expand individual and family coping resources.~~ – a therapeutic process that engages individuals or families in the resolution, behavioral, emotional, or cognitive dissonance. Treatment is provided to enhance and expand individual and family coping resources.

(3) “Intrafamilial ~~Intra family~~ Sexual Abuse” means – sexual abuse that has been perpetrated against a child by a family member or a person in a caretaking role within the family unit.

(4) “Non-Offending Caretaker” means – the parent or care taker within the family unit who did not sexually abuse the victim.

(5) “Offender” means – the parent or caretaker within the family unit who sexually abused the victim.

(6) “Offender Evaluation” means – an evaluation for the purpose of determining if the offender is appropriate for the community-based outpatient treatment offered by the SATP. ~~of the offender for treatment in one of the SATPs which is conducted by a licensed psychotherapist who has at least one year of experience in the assessment and treatment of sexual offenders.~~

(7) “Sexual Abuse Treatment Program means – program funded in part or in whole through a contract with CMS which conforms to the model plan, the contract, the statute, and administrative rule ~~a program funded in part or in whole through a contract with CMS and conforms to the treatment program outline set forth in this rule.~~

(8) “Victim” means – for the purposes of the Sexual Abuse Treatment Program, a child who has disclosed sexual abuse, or who has exhibited indicators of sexual abuse; regardless of Department of Children and Families’ or sheriff’s office findings a child who has been sexually abused.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History--New 2-16-93, Amended 3-28-96, Formerly 10J-11.002, 65C-8.001, Amended.

64C-9.002 Sexual Abuse Treatment Program Organization, Roles and Responsibilities.

(1) Each Sexual Abuse Treatment Program shall function under the direction of a program coordinator who is licensed by the state of Florida under Chapter 490 or 491, Florida Statutes; has at least one year of clinical experience in the field of child sexual abuse; and maintains at least eight hours of continuing education annually in child abuse, at least two hours of which must be specific to child sexual abuse ~~as a psychotherapist and has at least one year of clinical experience in the field of child sexual abuse.~~

(2) Sexual Abuse Treatment Program counseling staff must have at least a Masters degree in Psychology, Social Work, or other behavioral science; and a minimum of one year of clinical counseling experience, six months of which must have been in providing treatment to sexually abused children and their families; and maintain at least eight hours of continuing education annually in child abuse, at least two hours of which must be specific to child sexual abuse.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Amended 3-28-96, Formerly 10J-11.006, 65C-8.002, Amended.

64C-9.003 Eligibility Criteria.

Each Sexual Abuse Treatment Program contractor shall determine eligibility for Program services according to the following criteria:

(1) The child is an alleged victim of intra-familial sexual abuse.

(2) The child is an alleged victim of intrafamilial child on child sexual abuse.

(3) The adult caregiver is a non-offender.

(4) Child is a sibling to sexually abused child.

(5) Offenders eligible for treatment are those whose victims are or has been in treatment with the program.

(6)(2) An evaluation of the offender has recommended community based treatment. Those offenders without numerous prior incidents of molesting children, previous unsuccessful therapy, prior felony criminal convictions, or severe mental illness shall be eligible for the program. Offender non-acceptance for treatment does not prohibit his child victim and the victim’s caretaker from receiving services from the program.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Formerly 10J-11.007, 65C-8.003, Amended.

64C-9.004 Waivers.

(1) In the event that compliance with any standard contained herein is not attained, a program may request a waiver of that standard.

(2) All requests for waiver of a specific standard shall be submitted in writing to the Children’s Medical Services ~~Program Office~~, Director of Prevention and Intervention, and shall include documentation of the need for the waiver.

~~(3) A waiver of a specific standard shall be granted only for a specific period of time which shall not exceed the contract period.~~

~~(3)(4) Final approval or disapproval of all requests for waiver shall be made by the Deputy Secretary for Children’s Medical Services, or their designee. The Deputy Secretary for CMS shall who will base the decision to grant or deny a~~

specific request for waiver of a standard upon the documented rationale presented for the request. Waiver requests shall contain at least these sections:

(a) Identification of the ~~facility standard or~~ personnel standard for which the waiver is requested;

(b) Description of the attempts to meet the standard;

(c) A plan for remediating the need for the waiver;

(d) Assurance and an explanation in the request that the granting of such a waiver will not adversely affect the quality of care rendered by the provider; and

(e) An assessment of need and lack of existence of alternative solutions.

~~(4)(5)~~ The Children’s Medical Service Program Office shall notify the program in writing that the request for waiver of a specific standard has been granted or denied. If a request for a waiver is denied, the denial letter shall include advice of the right to request an administrative hearing under Section 120.57, Florida Statutes.

Specific Authority 39.3031 FS. Law Implemented 39.305 FS. History—New 2-16-93, Amended 3-28-96, Formerly 10J-11.009, 65C-8.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Janet H. Evans

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Peggy Scheuermann

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: August 8, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 12, 2007

**DEPARTMENT OF HEALTH**

**Division of Environmental Health**

RULE NO.: RULE TITLE:

64E-15.010 Permits and Fees

PURPOSE AND EFFECT: To increase fees to the extent the program can meet the costs of providing the services.

SUMMARY: For the past three permitting years, costs have been higher than revenues in this program. The current fees have been in place since 1993. This increase is to place the program on a stable footing by having the permit fees cover the cost of services provided.

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: 513.045(1)(a) FS.

LAW IMPLEMENTED: 513.045(1)(a) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277

THE FULL TEXT OF THE PROPOSED RULE IS:

64E-15.010 Permits and Fees.

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

(b) In determining the fee of a recreational camp operating as a commercial establishment, each 2 campers shall be considered equivalent to the occupancy of a tent space or a non self-contained recreational vehicle space. A commercial recreational camp shall pay an annual fee based on ~~\$4.00 \$3.50~~ per equivalent space which shall not be less than ~~\$100 \$50~~ nor more than \$600. Commercial recreational camp permits for changes of ownership, reinstatements after revocation of permit, or new establishments permitted after December 31, shall pay a prorated fee based on the remaining quarters of an annual operation.

(c) Permit fees shall not be refunded once the permit has been issued.

(d) A mobile home, recreational vehicle and/or lodging park shall pay an annual fee based on \$4.00 per space which shall not be less than \$100 nor more than \$600.

Specific Authority 381.0011(13), 381.006, 381.0084, 513.05 FS. Law Implemented 381.006(14), 381.0061, 381.008-.00895, 386.03, 512.065, 513.012, 513.02, 513.03, 513.045, 513.05 FS. History--New 5-20-96, Formerly 10D-26.190, Amended 6-23-98, 1-6-03, \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE: David B. Wolfe, Environmental Health Program Consultant, Bureau of Community Environmental Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, FL 32399-1710, (850)245-4277

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Edith Coulter

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

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 21, 2007, Vol.33/47

**DEPARTMENT OF HEALTH**

**Division of Family Health Services**

RULE NOS.: RULE TITLES:

64F-18.002 Definitions

64F-18.003 Procedure

PURPOSE AND EFFECT: The Department proposes to amend the existing rules.

SUMMARY: This rule is being amended to add definitions, update Insulin Distribution Program application form, and provide additional information on eligibility determination.

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: 385.204 FS.

LAW IMPLEMENTED: 385.204 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: Sarah Cawthon, Department of Health, 4052 Bald Cypress Way, Bin A-13, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

64F-18.002 Definitions.

(1) "Bona fide resident" means a person living in Florida with the intent to remain. ~~as evidenced by self declaration~~

(2) "Current prescription" means a prescription written by a licensed health care practitioner who is authorized by law to prescribe medicine within 3 months of application and effective for up to no more than 6 12 months after it is written. The prescription must be written by a licensed health care practitioner authorized by law to prescribe medicine and include the following information:

(a) Person's name (printed or typed);

(b) Person's date of birth;

(c) Physician's state license number;

(d) Physician's name (printed or typed);

(e) Physician's phone number;

(f) Date of prescription;

(g) Type of insulin to be issued;

(h) Medication dosage;

(i) Amount of medication to be issued at each visit – up to a three month supply;

(j) Whether and how many refills are allowed.

(3) "Designated agent" means any pharmacy that has entered into a written agreement with a county health department to provide insulin to approved insulin distribution program participants.

(4) "Family" means one or more persons living in one dwelling place who are related by blood, marriage, law or conception. A single adult, over 18, living with relatives is considered to be a separate family.

~~(5)~~(4) "Federal poverty guidelines" mean the poverty guidelines defined by subsection 64F-16.001(7), F.A.C.

(6) "Gross family income" means the sum of income available to a family at the time of application. Gross family income is based on all income to be earned or received or

anticipated to be earned or received in a current month. Gross family income does not include Supplemental Security Income (SSI) or any income received by the SSI eligible individual(s) and any income received by the minor sibling(s) of the eligible individual(s). Gross family income includes the following:

- (a) Wages and salary;
- (b) Child support;
- (c) Alimony;
- (d) Unemployment compensation;
- (e) Worker's compensation for lost income;
- (f) Veteran's pension;
- (g) Social Security;
- (h) Pension or annuities;
- (i) Dividends, interest on savings, stocks or bonds;
- (j) Income from estates or trusts;
- (k) Net rental income or royalties;
- (l) Net income from self-employment;
- (m) Contributions;
- (n) Public assistance or welfare payments;
- (o) Cash amounts received or withdrawn from any source including savings, investments, trust accounts and other resources which are readily available to the family;
- (p) Other case income.

(7) "Net family income" means gross family income minus the standard work-related, child care and child support expenses or deductions as used in determining presumptive eligibility for Medicaid.

(8)(5) "Self declaration" means a written statement regarding assets, insurance coverage, income, family size and ~~or~~ residency made by a person applying for the insulin distribution program services. Self-declaration does not include any documentation other than the signature of the person making the statement. The self-declaration statement that the department requires under this chapter shall include a signed acknowledgement by the applicant that the statement is true at the time it is made and that the applicant understands that the county health department ~~provider~~ shall have the option of verifying the information provided statement.

(9) "Verification" means to confirm the accuracy of information through sources other than the self-declaration statement of the individual that originally supplied the information.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History--New 12-19-00, Amended \_\_\_\_\_.

64F-18.003 Procedure.

(1) A person wishing to participate in the insulin distribution program can obtain an application from any county health department. The application is form number DH2105, 3/07, ~~10/00~~; "Insulin Distribution Program Application Form"

which is incorporated herein by reference. A copy of this form can be obtained from any ~~local~~ county health department or its designated agent.

(2) Every 12 months a client must submit a completed application to the county health department or designated agent of the department who will approve the application based upon the following criteria:

(a) The applicant must be a bona fide Florida resident;  
 (b) The applicant must be unable to pay for insulin because the applicant:

1. Is uninsured, or lacking insurance that provides coverage for ~~would reimburse the applicant for~~ insulin, and
2. Has a net family income at or below 100% of Federal poverty guidelines, and
3. Has no more than \$2,500 per family in private funds, bank accounts or assets other than their homestead to defray the cost.

(c) The applicant must submit a current prescription for insulin, ~~and~~

(d) The applicant must self-declare assets, insurance coverage, family size and residency.

(e) The applicant must sign a statement of income, specifying all gross income available to the applicant and the number of people dependent upon that income. The statement shall include a signed acknowledgement that the statement is true at the time it is made and that the person making the statement understands that the CHD will attempt to verify the statement.

(3) The county health department will verify the applicant's income as follows:

(a) Verification may be made by telephone, in written form, or by face to face contact. Verification does not require written documentation to confirm an applicant's statement. Verification can include:

1. A statement from a government agency which attests to the applicant's financial status.
2. A statement from the applicant's or family member's employer.
3. Pay stubs for four consecutive weeks.
4. A statement from a source providing unearned income to the applicant or family unit.

(b) If the CHD is unable to verify wages paid or an employer will not verify wages paid, the statement provided by applicant may be accepted as accurate.

(c) If the applicant declares zero income, the CHD may require the applicant to describe in detail their living circumstances and how they obtain basic necessities such as food, shelter, clothing, medical care, and transportation.

(4) The county health department has authority to make the final determinations of eligibility for the insulin distribution program.

(5)(d) If the Department of Health’s pharmaceutical budget permits, applicants or current insulin distribution program clients with a net family income of 101-200% of Federal poverty guidelines that meet the requirements in paragraph (2)(a) and subparagraph (2)(b)1. and 3. above will be eligible for the insulin distribution program or to continue in the program and receive insulin at reduced cost based on a sliding fee scale as set forth in Chapter 64F-16, F.A.C.

(6)(e) If an otherwise unqualified applicant, as defined above, is temporarily without current financial resources to purchase insulin, the county health department may provide a one month supply of insulin to this applicant once annually.

(7)(3) If at any time the applicant experiences a change in status, which could affect his or her eligibility, the applicant must report this change to the county health department within thirty days of this change.

(8)(4) The county health department will assist clients receiving insulin through this program, who become or are found to be ineligible, in locating another source of insulin. The county health department will continue to provide insulin to the client until another source can be found for up to 1 year after the determination of ineligibility.

(9)(5) County health departments or their designated agents will maintain records regarding their dispensing of insulin under this program for five years. These records shall include a copy of the Insulin Distribution Program Application Form and a copy of the applicant’s prescriptions for insulin.

Specific Authority 385.204 FS. Law Implemented 385.204 FS. History–New 12-19-00, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Sarah Cawthon  
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Tammie Johnson  
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: October 1, 2007  
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 5, 2007

**FINANCIAL SERVICES COMMISSION**

**OIR – Insurance Regulation**

| RULE NOS.:  | RULE TITLES:                                    |
|-------------|---|
| 690-204.010 | Purpose and Scope                               |
| 690-204.020 | Definitions                                     |
| 690-204.030 | Forms Incorporated By Reference                 |
| 690-204.040 | Prohibited Practices                            |
| 690-204.050 | Verification of Coverage                        |
| 690-204.060 | Required Supplemental Annual Transaction Detail |
| 690-204.070 | Anti-Fraud                                      |

PURPOSE AND EFFECT: To implement the provisions of Chapter 626, Part X, F.S., regulating the business of viatical settlements.

SUMMARY: To implement the provisions of Chapter 626, Part X, F.S., regulating the business of viatical settlements.

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: 626.9925 FS.

LAW IMPLEMENTED: 626.9913, 626.9922(2) FS.

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

DATE AND TIME: January 7, 2008, 9:30 a.m.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Bernie Stoffel, Office of Insurance Regulation, E-mail [Bernie.stoffel@fldfs.com](mailto:Bernie.stoffel@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Bernie Stoffel, Office of Insurance Regulation, E-mail [Bernie.stoffel@fldfs.com](mailto:Bernie.stoffel@fldfs.com)

THE FULL TEXT OF THE PROPOSED RULES IS:

690-204.010 Purpose and Scope.

The purpose of this Rule Chapter is to implement the provisions of Chapter 626, Part X, Florida Statutes.

Specific Authority 626.9925 FS. Law Implemented 626.991 FS. History–New.

690-204.020 Definitions.

In addition to the definitions in Section 626.9911, Florida Statutes, the following definitions apply to this regulation:

(1) “Control” or “effective control” as used in the Viatical Settlement Act and this rule chapter means the possession, directly or indirectly, of the power to direct or cause the direction of the management or policies of a person.

(2) “Insured” means the person covered under the policy being considered for viatication.

(3) “Net death benefit” means the amount of the life insurance policy or certificate to be viaticated less any outstanding debts or liens.

(4) “Secondary market” means the assignment, transfer, sale, devise, or bequest of the death benefit or ownership of all or a portion of a viaticated life insurance policy or certificate of insurance.



Specific Authority 626.9925 FS. Law Implemented 626.9911(2), 626.9912(4), 626.9913(2), 626.9922(2), 626.9924, 626.9913(2) FS. History–New \_\_\_\_\_.

690-204.030 Forms Incorporated By Reference.

The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(1) The following forms which are hereby adopted:

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 10/07).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(c) Form OIR-A3-1687, Verification of Coverage for Life Insurance Policies (11/2006).

(2) All of the above referenced forms are available from the Office’s website: <http://www.flair.com>.

(3) All applications, annual report filings, forms submitted by licensees for approval and associated documentation shall be submitted electronically to <http://iportal.fldfs.com>.

Specific Authority 626.9925 FS. Law Implemented 626.9912(2), 626.9912(3), 626.9913(2), 626.9921(3), 626.9921(4), 626.9928 FS. History–New \_\_\_\_\_.

690-204.040 Prohibited Practices.

A viatical settlement provider shall not act also as a viatical settlement broker, whether entitled to collect a fee directly or indirectly, in the same viatical settlement.

Specific Authority 626.9925 FS. Law Implemented 626.9911(9), 626.9916(1), 626.9916(5) FS. History–New \_\_\_\_\_.

690-204.050 Verification of Coverage.

Nothing in this rule chapter shall prohibit a life insurance company and a viatical settlement provider from using a verification of coverage form other than Form OIR-A3-1687 (11/2006) that has been mutually agreed upon in writing in advance of submission of the request.

Specific Authority 626.9925 FS. Law Implemented 626.9924(4) FS. History–New \_\_\_\_\_.

690-204.060 Required Supplemental Annual Transaction Detail.

In addition to the information contained in the annual report form, OIR-A3-1288, annually on or before March 1, the viatical settlement provider licensee shall prepare and maintain in a computer-readable format compatible with the electronic data systems of the office the information as outlined in subsections (1) and (2) below, pertaining to the activities of the viatical settlement provider during the preceding calendar year. This information shall be maintained for the duration as required by Section 626.9922(2), Florida Statutes. The information requested in subsections (1) and (2) below shall be

available to the office at any time for copying and inspection upon reasonable notice to the viatical settlement provider licensee.

(1) A detailed report on all Florida transactions that shall contain the information in paragraphs (a)-(k) below.

(a) Settlement number, case number or unique identifying number used to identify the specific viatical settlement transaction.

(b) Date the viatical settlement contract was purchased by the provider during the current calendar year, whether or not the insured is still alive at the end of the calendar year.

(c) Net amount (in dollars) being viaticated.

(d) Age (in years) of the person insured by the policy being viaticated, at the time of the viatical settlement contract.

(e) Life expectancy (in months) of the insured individual at the time of the viatical settlement contract.

(f) Net amount (in dollars) paid to the viator.

(g) Policy type: individual policy or a group policy.

(h) Type of funding for the transaction: licensed financial institution (policies collateralized), private (purchaser) funding, internal funding, trust, related provider trust, accredited investor, qualified institutional buyer, as defined respectively, in Rule 501(a) or Rule 144A, promulgated under the federal Securities Act of 1933 as amended, or other.

(i) Purchase source of the policy: viatical settlement broker, direct from the viator, insurance agent/producer, secondary market or viatical settlement provider, private (purchaser) funding or other.

(j) Amount of commissions (in dollars) paid to viator source involved in the transaction whether that be a viatical settlement broker, an insurance producer or other licensed entity authorized to be viator source.

(k) Name of the source of the viatical settlement transaction. If it is a broker, producer or other licensee, name that person; if it is direct, from a relative, from the corporation of the insured or any other entity that could possibly reveal the insured, indicate by “Direct,” “Relative,” “Corporation,” or other non-designating word.

(2) An individual mortality report on all transactions involving a Florida viator that shall contain the information requested in paragraphs (a)-(j) below.

(a) Settlement number, case number, or unique identifying number used to identify the specific viatical settlement transaction.

(b) Date of the viatical settlement contract.

(c) Age of the insured at the time of the contract.

(d) Life expectancy (in months) of the insured individual at the time of the viatical settlement contract. For first to die policies, use the shortest life expectancy of the two lives. For second to die policies, use the longest life expectancy of the two lives.

(e) Net amount paid to the viator.

(f) Insured's date of death. For first to die policies, use the date of the first insured's death. For second to die policies, use the date of the last insured's death.

(g) Total amount of premiums (in dollars) required to be paid to the insurer to maintain the policy from the date of viatication to the date of death.

(h) Total death benefit collected from the insurer.

(i) Number of months between the date of contract and the insured's date of death.

(j) Number of months between the life expectancy of the insured at the time of contract and the insured's date of death. This should be noted as a plus (+) figure if the insured died after the estimated life expectancy or a minus (-) if the insured died prior to the estimated life expectancy.

Specific Authority 626.9925 FS. Law Implemented 626.9913, 626.9922(2) FS. History--New \_\_\_\_\_.

69O-204.070 Anti-Fraud.

Every licensed viatical settlement provider shall establish and maintain in accordance with the provisions of Section 626.9922, F.S.:

(1) Documentation of compliance with its anti-fraud plan and procedures filed in accordance with Section 626.99278, F.S.

(2) All documentation pertaining to resolved and unresolved material inconsistencies between medical records and insurance applications.

(3) Documentation pertaining to the mandatory reporting of possible fraudulent acts and prohibited practices set forth in Section 626.99275, F.S., to the Division of Insurance Fraud of the department.

Specific Authority 626.9925 FS. Law Implemented 626.99278, 626.9922, 626.99275 FS. History--New \_\_\_\_\_.

NAME OF PERSON ORIGINATING PROPOSED RULE:  
Jovita Ashton, Director, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mary Beth Senkewicz, Deputy Commissioner, Office of Insurance Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 20, 2006

### Section III Notices of Changes, Corrections and Withdrawals

#### DEPARTMENT OF STATE

#### Division of Library and Information Services

RULE NO.:                   RULE TITLE:  
1B-2.011                   Library Grant Programs  
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 38, September 21, 2007 issue of the Florida Administrative Weekly.

The rule has been changed to add an additional form. The rule also incorporates by reference guidelines and forms relating to the Library Cooperative Grant Program. Changes have been made to the guidelines and forms for the Library Cooperative Grant Program in response to comments received. Changes have been made to the Grant Agreement form to address technical changes.

COPIES OF THE FULL TEXT OF THE CHANGES MAY BE OBTAINED BY CONTACTING: Judith Ring, Director, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, (850)245-6600

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

1B-2.011 Library Grant Programs.

(1) This rule provides procedures for library grant programs administered by the Division of Library and Information Services (Division). Each program shall be governed by guidelines which contain information on eligibility requirements, application review procedures, evaluation and funding criteria, grant administration procedures, if applicable, and application forms. All grant awards shall be subject to final approval by the Secretary of State.

(2) Applicants for grants shall meet the eligibility and application requirements as set forth in the following guidelines for each grant program:

(a) The State Aid to Libraries Grant Guidelines and Application, effective 4-1-98, amended 11-20-01, amended 12-28-03, amended 2-21-07, which contain guidelines and application forms, State Aid to Libraries Grant Application (Form DLIS/SA01), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Multicounty Library (Form DLIS/SA02), effective 4-1-98, amended 12-28-03; Certification of Credentials – Single Library Administrative Head (Form DLIS/SA03), effective 4-1-98, amended 12-28-03; State Aid to Libraries Grant Application – Summary Financial Report (Form DLIS/SA04), effective 4-1-98, amended 12-28-03.

(b) The Library Construction Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 1-9-03, amended 2-21-07, which contain instructions, grant application (Form DLIS/PLC01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 1-9-03; Payment Request #1 (Form DLIS/PLC02) effective 1-9-03; Payment Request #2 (Form DLIS/PLC03) effective 1-9-03; Payment Request #3 (Form DLIS/PLC04) effective 1-9-03; Payment Request #4 (Form DLIS/PLC05) effective 1-9-03; and Closeout Report (Form DLIS/PLC06) effective 1-9-03.

(c) The Library Cooperative Grant Guidelines and Application, effective 4-1-98, amended, which contain instructions, grant ~~and~~ application (Form DLIS/LCG01), effective 4-1-98, amended 4-4-00, amended; Mid-Year Report (Form DLIS/LCG02) effective; Annual Report Form (Form DLIS/LCG03) effective; ~~and~~ Annual Statistical Report Form for Multitype Library Cooperatives (Form DLIS/LCG02 ~~04~~), effective 4-1-98, amended 4-4-00, amended and Grant Agreement (Form DLIS/LCG05), effective.

(d) The Library Services and Technology Act Grant Guidelines and Application, effective 4-1-98, amended 2-14-99, amended 11-20-01, which contain instructions and application (Form DLIS/LSTA01), effective 4-1-98, amended 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; Mid-Year Report (Form DLIS/LSTA02), effective 2-14-99, amended 4-4-00, amended 12-18-00, amended 11-20-01; and Annual Report (Form DLIS/LSTA03), effective 4-4-00, amended 12-18-00, amended 11-20-01.

(e) The Florida Library Literacy Grants Guidelines and Application, effective 4-4-00, amended 11-20-01 which contain instructions and application (Form DLIS/FLL01), effective 4-4-00, amended 11-20-01; Mid-Year Report (Form DLIS/FLL02), effective 4-4-00, amended 11-20-01; and Annual Report (Form DLIS/FLL03), effective 4-4-00, amended 11-20-01.

(f) The Community and Library Technology Access Partnership Grants Guidelines and Application which contain instructions and application (Form DLIS/CLTA01), effective 12-18-00; and Annual Report (Form DLIS/CLTA02), effective 12-18-00.

(g) The Community Libraries in Caring Program Application, effective 11-16-04, which contains instructions and application (Form DLIS/CLIC01), effective 11-16-04; Annual Report (Form DLIS/CLIC02), effective 11-16-04; and Grant Agreement (Form DLIS/CLIC03), effective 11-16-04, revised 2-21-06, amended 2-21-07.

(3) Guidelines and forms in this rule are incorporated by reference and may be obtained from the Director of the Division, Florida Department of State, Division of Library and Information Services, R. A. Gray Building, 500 South Bronough, Tallahassee, Florida 32399-0250.

(4) The Division of Library and Information Services will waive the financial matching requirements on grants for rural communities that have been designated in accordance with Sections 288.0656 and 288.06561, F.S. Eligible communities applying for Library Services and Technology Act grants, Florida Library Literacy Grants, and Library Construction grants must request waiver of matching requirements at the time of grant application.

(5) This section supersedes Chapters 1B-3 and 1B-5, F.A.C.

Specific Authority 257.14, 257.191, 257.192, 257.24, 257.41(2) FS. Law Implemented 240.5186, 257.12, 257.14, 257.15, 257.16, 257.17, 257.171, 257.172, 257.18, 257.19, 257.191, 257.192, 257.195, 257.21, 257.22, 257.23, 257.24, 257.25, 257.40, 257.41, 257.42 FS. History—New 1-25-93, Amended 7-17-96, 4-1-98, 2-14-99, 4-4-00, 12-18-00, 11-20-01, 3-20-02, 1-9-03, 12-28-03, 11-16-04, 2-21-06, 2-21-07.

## DEPARTMENT OF REVENUE

### Corporate, Estate and Intangible Tax

RULE NO.: 12C-1.0221  
 RULE TITLE: Returns, Notices, and Elections;  
 Signing and Verification  
 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. 41, October 12, 2007 issue of the Florida Administrative Weekly. The changes to subsection (1) of this rule were originally contained in a notice of proposed rulemaking published in the October 12, 2007, issue of the Florida Administrative Weekly (Vol. 33, No. 41, pp. 4751-4752). Subsequently, this subsection was amended by a Notice of Change published in the Florida Administrative Weekly on December 7, 2007. By this Notice of Change, the Department is again revising subsection (1) of this rule to delete a provision regarding the improper signing or verification of a corporate income tax return or notice.

Subsection (1) of Rule 12C-1.0221, Florida Administrative Code, has been changed, so that the proposed rule text will read as follows:

(1) A return, election, or notice required of a taxpayer shall be signed by an officer duly authorized to sign. A return or notice required of a taxpayer made by a fiduciary under subsection 220.22(3), F.S., shall be signed by the fiduciary. An officer's or fiduciary's signature on a return or notice made by or for a taxpayer shall be prima facie evidence that such individual was authorized to sign the return or notice on behalf of the taxpayer. ~~The filing of a return that is not signed or that is improperly signed and verified may be treated as a failure to file the return for purposes of starting the limitation period or for the imposition of penalty for failure to file.~~

**DEPARTMENT OF REVENUE**

**Corporate, Estate and Intangible Tax**

RULE NO.: 12C-2.005  
 RULE TITLE: Due Date – Payment of Tax – Discounts Allowed

**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. 49, December 7, 2007 issue of the Florida Administrative Weekly.

Paragraph (1)(b) of Rule 12C-2.005, Florida Administrative Code, has been changed, so that the proposed rule text will read as follows:

~~(1)(b) When the tax due, before discount, is less than \$60, no return is required to be filed and no tax is due. Taxpayers who receive a Government Leasehold Intangible Personal Property Tax Return (Form DR-601-G) from the Department for which no tax is due may file the return, without payment, to inform the Department that no tax is due. Filing this informational return will eliminate additional inquiries from the Department regarding the filing of the return. Taxpayers who are under audit, examination, or investigation by the Department will be required to file a completed return, even if the amount of tax due with the return is less than sixty dollars (\$60). No person subject to the annual tax shall be required to file a return or pay a tax if the tax due, before discount, is less than sixty dollars (\$60.00).~~

Subsections (3) and (4) of Rule 12C-2.011, Florida Administrative Code, are being eliminated, so that the proposed rule text will read as follows:

~~(3) Taxpayers may apply to the department to pay the nonrecurring tax by a list attached to a report.~~

~~(a) No person shall use this procedure without prior approval of the department.~~

~~(b) Persons wishing to apply for approval to report by list shall make requests to the Florida Department of Revenue, Central Registration, P. O. Box 6480, Tallahassee, Florida 32314-6480.~~

~~(c) All persons desiring or using this procedure shall be subject to audit and shall make their records available for inspection by the department.~~

~~(d) All persons approved to use this procedure shall keep a journal, account book or other record of original entry, showing a listing of all obligations or advances which have been made or executed. The journal shall show a daily listing or a listing as required by the department and shall show the county of recording, the official record book and page number of the recording, if any, the amount of each obligation or advance, the date the obligation was created or advance was made and the amount of tax paid, and the date on which the tax payment was made.~~

~~(e) The list shall contain the same information as required by paragraph (2)(a).~~

~~(4)(a) The authority to use this procedure shall not be unreasonably withheld by the department.~~

~~(b) However, any person having a history of delinquent tax payments for any tax or of returned checks shall be denied the use of this procedure.~~

~~(c) The authority to use this procedure may be canceled by the department when any person knowingly files a false report, fails or refuses, or neglects to file the proper report or fails to maintain proper records.~~

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**BOARD OF TRUSTEES OF INTERNAL IMPROVEMENT TRUST FUND**

RULE NO.: 18-21.004  
 RULE TITLES: Management Policies, Standards, and Criteria

18-21.011  
 Payments and Fees

**NOTICE OF CHANGE**

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 29, July 20, 2007 issue of the Florida Administrative Weekly.

18-21.004 Management Policies, Standards, and Criteria.

The following management policies, standards, and criteria shall be used in determining whether to approve, approved with conditions or modifications, or deny all requests for activities on sovereignty submerged lands.

(1) General Proprietary.

(a) through (e) No change.

(f) Appraisal services, when required, shall be obtained through the Division's Bureau of Appraisal in accordance with Chapter 18-1, F.A.C., except as follows:

1. The applicant shall pay the fee for appraisal services; ~~which is non-refundable.~~ No appraisal services shall proceed until the appraisal services fee has been received by the Division. If the applicant withdraws its application after appraisal services have begun and any appraisal expenses have been incurred, the appraisal fee will be non-refundable. If no services have begun and no expenses have been incurred, the appraisal fee is refundable upon written request of the applicant.

2. No change.

(g) through (k) No change.

(l) For purposes of notification of adjacent property owners, rRequests for revisions to existing leases or easements that are reasonably expected to lead to increased environmental

impact, an increase in preempted area of ten percent or more, or a significant change in use (such as one that requires use of a different form of authorization or application of different rule criteria), or heightened public concern will be treated as new applications under this chapter.

(2) through (8) No change.

Specific Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82, 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 3-20-94, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, \_\_\_\_\_.

18-21.011 Payments and Fees.

(1) Standard and Extended Term Leases.

(a) No change.

(b) Base Fees, Discounts, Surcharges and Other Payments.

1. The base fee shall be computed at a rate of \$0.1413 per square foot per annum, which became effective March 1, 2007. The base fee and the minimum annual fee shall be revised March 1 of each year and increased or decreased based on the average change over time in the price paid by all urban consumers for a market basket of consumer goods and services Consumer Price Index. In determining the change, the Board will annually consult the Consumer Price Index figures established for the previous five years by the Bureau of Labor Statistics, computed as provided in the BLS Publication “Handbook of Methods,” Chapter 17, June 2007, and found on the BLS website at <http://www.bls.gov/opub/homch17.pdf>. The average change in the Consumer Price Index is calculated annually by averaging the Consumer Price Index over the previous five-year period. There shall be a 10 percent cap on any annual increase.

2. through 13. No change.

(c) No change.

(d) Class III and Special Event Authorizations.

1. No change.

2. Class III and IV Special Event leases are also subject to the 25 percent first annual fee surcharge, the annual fee adjustment based on the average change in the Consumer Price Index, as provided in subparagraph 18-21.011(1)(b)1., and other payments required by paragraph 18-21.011(1)(b), F.A.C. Special events are not eligible for the 30% discount provided by subparagraph 18-21.011(1)(b)2., F.A.C.

3. through 4. No change.

(2) Private Easements.

(a) through (b) No change.

(c) The fee for private easements for telecommunication lines and associated conduits that are subject to the provisions of paragraph 18-21.004(2)(1), F.A.C., shall be a one-time easement value and enhanced value fee of \$5.~~591306~~ for installations outside of special consideration areas or a one-time easement value fee of \$0.0663 for installations inside such areas, effective March 1, 2007. The applicable fee shall be assessed per linear foot of telecommunication line or conduit

as measured along sovereignty submerged lands from the State’s territorial limits within the territorial sea to first landfall on the mainland for easements up to 10 feet wide, and shall be increased proportionally for easements of greater widths. This fee shall also be applicable to easement modifications to the extent that such modifications increase the easement area and to easement renewals. The fee shall be revised annually on March 1 and increased or decreased based on the average change, as provided in subparagraph 18-21.011(1)(b)1., ~~in the Consumer Price Index, calculated as provided in subparagraph 18-21.011(1)(b)1.~~ by averaging the Consumer Price Index over the previous five-year period, with a 10 percent cap on any annual increase. This fee shall not be applicable to applications to transfer or assign an easement.

(3) through (5) No change.

Specific Authority 253.03(7), 253.03(11), 253.73 FS. Law Implemented 253.03, 253.71 FS. History—New 3-27-82, Amended 5-18-82, 8-1-83, 9-5-84, 10-20-85, Formerly 16Q-21.11, 16Q-21.011, Amended 1-25-87, 9-6-87, 3-15-90, 10-11-98, 10-15-98, 10-29-03, 3-8-04, 1-1-06, \_\_\_\_\_.

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

RULE NO.:

RULE TITLE:

59G-5.020

Provider Requirements

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 39, September 28, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:

RULE TITLES:

61G15-32.001

General Responsibility

61G15-32.002

Definitions

61G15-32.003

Common Requirements to All Fire Protection Engineering Documents

61G15-32.008

Design of Fire Alarms, Signaling Systems and Control System

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 49, December 7, 2007 issue of the Florida Administrative Weekly has been withdrawn.

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Professional Engineers**

RULE NOS.:

RULE TITLES:

61G15-34.001

General Responsibility

61G15-34.002

Definitions

- 61G15-34.003 Design of Heating Ventilation and Air Conditioning Systems
- 61G15-34.007 Design of Plumbing Systems

**NOTICE OF WITHDRAWAL**

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 49, December 7, 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**

- |                   |  |
|-------------------|--|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                          |
| 62-17.041         | Notice of Intent, Binding Written Agreements |
| 62-17.051         | Application for Site Certification           |

**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. 43, October 26, 2007 issue of the Florida Administrative Weekly.

62-17.041 Notice of Intent, Binding Written Agreements.

(1) No change.

(2)(a) After the filing of a Notice of Intent by an applicant, the department, other affected agencies, and the applicant may enter into binding written agreements as to the scope, quantity, and specificity of information to be provided in the application; ~~as further described in the Application Instruction Guide, Form 62-17-900.~~

(b) through (c) No change.

(3) No change.

Specific Authority 403.504(1)(2), 403.5063(2) FS. Law Implemented 403.504(2)(9), 403.5063 FS. History–New 5-9-83, Formerly 17-17.041, Amended 2-1-99,\_\_\_\_\_.

62-17.051 Application for Site Certification.

(1)(a) Applications for certification shall ~~follow the format and shall~~ be supported by applicable information and technical studies; ~~as prescribed by the Application Instruction Guide, Form 62-17-900, as amended, or as set forth in any binding written agreement.~~

(b) No change.

(2)(a) No change.

(b) Any supplemental application for certification shall follow ~~the format allowed under (1)(a) above the format of and be supported by information and technical studies prescribed by the Application Instruction Guide, Form 62-17-900,~~ or the format allowed under paragraph (1)(b) above. The applicant for supplemental certification should meet with the department

to determine what previously filed information is still sufficient for agency use, and what new data must be filed. Supplemental applications shall show that the additional unit or units conform to the current non-procedural standards of affected agencies in force at the time the supplemental application is submitted, and demonstrate the extent to which the expansion falls within the environmental impacts addressed in the initial certification proceedings.

(c) No change.

(3) through (4) No change.

Specific Authority 403.504(1)(2), 403.517(1)(a), 403.5175(1) FS. Law Implemented 403.504, 403.5064, 403.517, 403.5175 FS. History–New 5-7-74, Amended 12-27-77, Formerly 17-17.04, Amended 5-9-83, 4-14-86, 1-22-91, 1-26-93, Formerly 17-17.051, Amended 2-1-99,\_\_\_\_\_.

**DEPARTMENT OF JUVENILE JUSTICE**

**Probation**

- |                   |   |
|-------------------|---|
| <b>RULE NOS.:</b> | <b>RULE TITLES:</b>                             |
| 63D-3.001         | Purpose and Scope                               |
| 63D-3.002         | Definitions                                     |
| 63D-3.003         | Assessment and Recommendation                   |
| 63D-3.004         | Diversion Programs                              |
| 63D-3.005         | Intensive Delinquency Diversion Services (IDDS) |
| 63D-3.006         | Other Diversion Programs                        |
| 63D-3.007         | JPO Supervised Diversion                        |

**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. 42, October 19, 2007 issue of the Florida Administrative Weekly.

63D-3.001 Purpose and Scope.

No change.

Specific Authority ~~985.145(5), 985.601(3)(a),~~ 985.64 FS. Law Implemented 985.145(5), 985.601(3)(a) FS. History–New \_\_\_\_\_.

63D-3.002 Definitions.

(1) through (12) No change.

Specific Authority ~~985.145(5),~~ 985.64 FS. Law Implemented 985.145(5) FS. History–New \_\_\_\_\_.

63D-3.003 Assessment and Recommendation.

(1) through (2) No change.

Specific Authority ~~985.145(4),~~ 985.64 FS. Law Implemented 985.145(4) FS. History–New \_\_\_\_\_.

63D-3.004 General Characteristics of Diversion Programs.

(1) through (9) No change.

Specific Authority ~~985.145(5), 985.601(3)(a),~~ 985.64 FS. Law Implemented 985,12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History–New \_\_\_\_\_.

63D-3.005 Intensive Delinquency Diversion Services (IDDS).

(1) through (5) No change.

Specific Authority ~~985.145(5), 985.601(3)(a)~~; 985.64 FS. Law Implemented 985,12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History–New\_\_\_\_\_.

63D-3.006 Other Diversion Programs.

(1) through (4) No change.

Specific Authority ~~985.145(5), 985.601(3)(a)~~; 985.64 FS. Law Implemented 985,12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History–New\_\_\_\_\_.

63D-3.007 JPO Supervised Diversion.

(1) The department utilizes a number of other diversion programs to direct youth away from the formal juvenile justice system pursuant to Section 985.601(3)(a), F.S. These may include individualized plans for diversions, such as local churches, civic clubs and organizations that provide opportunities for the youth to achieve the obligations of his or her diversion plan.

(2) Cases that must be considered for this type of non-judicial handling are:

(a) Cases where the state attorney has approved of non-judicial action.

(b) Cases in which sanctions and intervention services can be completed within a short period of time.

(c) Cases in which youth are insufficiently mature to benefit from a standard delinquency intervention, either due to chronological age or developmental age; in most instances, interventions are tested for effectiveness with youth age 13 and above very young.

(d) Cases where the youth may have specific needs or be in an employment or educational setting that require different supervision than that offered by local diversion programs.

(3) Process.

(a) The JPO must obtain approval from the state attorney for this diversion program and the recommended sanctions and services.

(b) A waiver of speedy trial must be signed if the state attorney requires it.

(c) The JPO must develop an individualized diversion plan of sanctions and intervention services with input from the state attorney, the youth and the parent(s)/guardian(s).

(d) The plan must include a time frame for completion of the sanctions and intervention services (typically 30-90 days for substantial completion).

(e) If the youth fails to comply with the conditions and sanctions of the individualized plan, the JPO must notify the state attorney.

Specific Authority ~~985.145(5), 985.601(3)(a)~~; 985.64 FS. Law Implemented 985,12, 985.145, 985.155, 985.16, 985.601(3)(a) FS. History–New\_\_\_\_\_.

**DEPARTMENT OF HEALTH**

**Council of Licensed Midwifery**

RULE NO.: 64B24-2.004  
 RULE TITLE: Licensure by Endorsement  
 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. 37, September 14, 2007 issue of the Florida Administrative Weekly. Changes are made as a result of comments made at a Rules Hearing held on November 30, 2007. The changes are as follows:

64B24-2.004 Licensure by Endorsement.

(1)(b)3. The applicant has received a determination of substantial equivalency through the use of this evaluation tool by an approved foreign education credentialing agency meeting the following criteria:

(i) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of midwifery education.

(ii) Has an audit and quality assurance or review committee to monitor the evaluation process.

(iii) Employs full time staff support including an international expert in education credential equivalency and analysis.

(iv) Has an updated, current, and comprehensive resource document library available for reference.

(v) Consults with a Florida licensed midwife approved by the Department to review the professional education component of the review.

(vi) Uses original documentation for the institution with institutional seals and signatures.

(2)(c)3. The applicant has received a determination of substantial equivalency through the use of this evaluation tool by an approved education credentialing agency meeting the following criteria:

(i) Has a comprehensive, standardized orientation and training program for all reviewers who must be experienced and knowledgeable in the area of midwifery education.

(ii) Has an audit and quality assurance or review committee to monitor the evaluation process.

(iii) Employs full time staff support including an international expert in education credential equivalency and analysis.

(iv) Has an updated, current, and comprehensive resource document library available for reference.

(v) Consults with a Florida licensed midwife approved by the Department to review the professional education component of the review.

(vi) Uses original documentation for the institution with institutional seals and signatures.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela King, Executive Director, Division of Medical Quality Assurance, Department of Health, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3250

**DEPARTMENT OF FINANCIAL SERVICES**

**Division of Accounting and Auditing**

|            |                                  |
|------------|----------------------------------|
| RULE NOS.: | RULE TITLES:                     |
| 69I-73.001 | Definitions                      |
| 69I-73.002 | Threshold for Recording Property |
| 69I-73.003 | Recording of Property            |
| 69I-73.004 | Marking of Property              |
| 69I-73.005 | Disposition of Property          |
| 69I-73.006 | Inventory of Property            |

**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. 49, December 7, 2007 issue of the Florida Administrative Weekly.

Notice is hereby given that the hearing (if requested) on the above referenced rules (published in the December 7, 2007 issue of the Florida Administrative Weekly) has been changed to Friday, January 4, 2008, at 10:00 a.m. in Room 430 of the Fletcher Building, in Tallahassee, Florida.

**Section IV  
Emergency Rules**

**BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

**DEPARTMENT OF THE LOTTERY**

|           |  |
|-----------|--|
| RULE NO.: | RULE TITLE:                            |
| 53ER07-73 | Instant Game Number 728, GREEN MACHINE |

**SUMMARY:** This emergency rule describes Instant Game Number 728, "GREEN MACHINE," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning, value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-73 Instant Game Number 728, GREEN MACHINE.

(1) Name of Game. Instant Game Number 728, "GREEN MACHINE."

(2) Price. GREEN MACHINE lottery tickets sell for \$1.00 per ticket.

(3) GREEN MACHINE lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning GREEN MACHINE lottery ticket, the ticket must meet the applicable requirements of Rule 53ER07-68, F.A.C.

(4) The "YOUR CODE" play symbols and play symbol captions are as follows:

|          |          |          |          |           |
|----------|----------|----------|----------|-----------|
| <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b>  |
| ONE      | TWO      | THREE    | FOUR     | FIVE      |
| <b>6</b> | <b>7</b> | <b>8</b> | <b>9</b> | <b>10</b> |
| SIX      | SEVEN    | EIGHT    | NINE     | TEN       |

(5) The "ATM CODE" play symbols and play symbol captions are as follows:

|          |          |          |          |           |
|----------|----------|----------|----------|-----------|
| <b>1</b> | <b>2</b> | <b>3</b> | <b>4</b> | <b>5</b>  |
| ONE      | TWO      | THREE    | FOUR     | FIVE      |
| <b>6</b> | <b>7</b> | <b>8</b> | <b>9</b> | <b>10</b> |
| SIX      | SEVEN    | EIGHT    | NINE     | TEN       |

(6) The prize symbols and prize symbol captions are as follows:

|                |                |                |                |               |                |              |
|----------------|----------------|----------------|----------------|---------------|----------------|--------------|
| TICKET         | <b>\$1.00</b>  | <b>\$2.00</b>  | <b>\$4.00</b>  | <b>\$5.00</b> | <b>\$10.00</b> |              |
| TICKET         | ONE            | TWO            | FOUR           | FIVE          | TEN            |              |
| <b>\$20.00</b> | <b>\$25.00</b> | <b>\$40.00</b> | <b>\$50.00</b> | <b>\$100</b>  | <b>\$250</b>   | <b>\$500</b> |
| TWENTY         | THY FIVE       | FORTY          | FIFTY          | ONE HUN       | TWO FTY        | FIVE HUN     |

(7) The legends are as follows:

|        |      |      |       |
|--------|------|------|-------|
| GAME 1 |      |      |       |
| GAME 2 |      |      |       |
| GAME 3 | YOUR | ATM  | ATM   |
| GAME 4 | CODE | CODE | PRIZE |

(8) Determination of Prizewinners.

(a) There are four games on a ticket. A ticket having a play symbol and corresponding play symbol caption in the "YOUR CODE" play area that matches a play symbol and corresponding play symbol caption in the "ATM CODE" play area of the same game shall entitle the claimant to the corresponding prize shown for that game.



(b) A ticket having a "TICKET" symbol in the play area shall entitle the claimant to a \$1.00 instant ticket, except as follows. A person who submits by mail a GREEN MACHINE lottery ticket that entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(c) The prizes are: Ticket, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$20.00, \$25.00, \$40.00, \$50.00, \$100, \$250 and \$500.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 728 are as follows:

| GAME PLAY          | WIN        | ODDS OF<br>1 IN | NUMBER OF<br>WINNERS IN<br>56 POOLS OF |
|--------------------|------------|-----------------|--|
|                    |            |                 | TICKETS<br>PER POOL                    |
| TICKET             | \$1 TICKET | 10.00           | 1,008,000                              |
| \$1                | \$1        | 23.08           | 436,800                                |
| \$1 x 2            | \$2        | 42.86           | 235,200                                |
| \$2                | \$2        | 42.86           | 235,200                                |
| \$1 x 4            | \$4        | 100.00          | 100,800                                |
| \$4                | \$4        | 50.00           | 201,600                                |
| \$1 + (\$2 x 2)    | \$5        | 300.00          | 33,600                                 |
| \$5                | \$5        | 150.00          | 67,200                                 |
| \$10               | \$10       | 150.00          | 67,200                                 |
| \$20               | \$20       | 300.00          | 33,600                                 |
| \$10 x 4           | \$40       | 3,600.00        | 2,800                                  |
| \$20 x 2           | \$40       | 3,600.00        | 2,800                                  |
| \$40               | \$40       | 3,600.00        | 2,800                                  |
| \$25 x 4           | \$100      | 18,000.00       | 560                                    |
| \$50 x 2           | \$100      | 18,000.00       | 560                                    |
| \$100              | \$100      | 18,000.00       | 560                                    |
| (\$50 x 3) + \$100 | \$250      | 45,000.00       | 224                                    |
| \$250              | \$250      | 45,000.00       | 224                                    |
| \$500              | \$500      | 22,500.00       | 448                                    |

(10) The estimated overall odds of winning some prize in Instant Game Number 728 are 1 in 4.15. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 728, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a GREEN MACHINE lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for GREEN MACHINE lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes. A copy of the current

rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS. History—New 11-30-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.  
EFFECTIVE DATE: November 30, 2007

**DEPARTMENT OF THE LOTTERY**

RULE NO.: 53ER07-74  
RULE TITLE: Instant Game Number 731, SUPER AMAZING 8's

SUMMARY: This emergency rule describes Instant Game Number 731, "SUPER AMAZING 8's," for which the Department of the Lottery will start selling tickets on a date to be determined by the Secretary of the Department. The rule sets forth the specifics of the game; determination of prizewinners; estimated odds of winning; value and number of prizes in the game.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, 250 Marriott Drive, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER07-74 Instant Game Number 731, SUPER AMAZING 8's.

(1) Name of Game. Instant Game Number 731, "SUPER AMAZING 8's."

(2) Price. SUPER AMAZING 8's lottery tickets sell for \$5.00 per ticket.

(3) SUPER AMAZING 8's lottery tickets shall have a series of numbers in machine readable code (or bar code) on the back of the ticket, along with a validation number under the latex area on the ticket. To be a valid winning SUPER AMAZING 8's lottery ticket, the ticket must meet the applicable requirements of Rule 53ER07-68, F.A.C.

(4) The black play symbols and play symbol captions are as follows:



(5) The green play symbols and play symbol captions are as follows:

|                 |                  |                   |                   |                    |                    |                    |                   |
|-----------------|------------------|-------------------|-------------------|--------------------|--------------------|--------------------|-------------------|
| <b>1</b><br>ONE | <b>2</b><br>TWO  | <b>3</b><br>THR   | <b>4</b><br>FOR   | <b>5</b><br>FIV    | <b>6</b><br>SIX    | <b>7</b><br>SVN    |                   |
| <b>9</b><br>NIN | <b>10</b><br>TEN | <b>11</b><br>ELVN | <b>12</b><br>TWLV | <b>13</b><br>THRTN | <b>14</b><br>FORTN | <b>15</b><br>FIFTN | <b>8</b><br>WIN8K |

(6) The prize symbols and prize symbol captions are as follows:

|                             |                          |                         |                           |                            |                           |                            |                           |
|-----------------------------|--------------------------|-------------------------|---------------------------|----------------------------|---------------------------|----------------------------|---------------------------|
| <b>\$5.00</b><br>FIVE       | <b>\$8.00</b><br>EIGHT   | <b>\$10.00</b><br>TEN   | <b>\$15.00</b><br>FIFTEEN | <b>\$18.00</b><br>EIGHTEEN | <b>\$20.00</b><br>TWENTY  | <b>\$25.00</b><br>TNY FIVE | <b>\$40.00</b><br>FORTY   |
| <b>\$50.00</b><br>FIFTY     | <b>\$80.00</b><br>EIGHTY | <b>\$100</b><br>ONE HUN | <b>\$500</b><br>FIVE HUN  | <b>\$888</b><br>8HUN88     | <b>\$1,000</b><br>ONE THO | <b>\$2,000</b><br>THO THO  | <b>\$8,888</b><br>8THO888 |
| <b>\$88,888</b><br>88THO888 |                          |                         |                           |                            |                           |                            |                           |

(7) The legends are as follows:

|        |         |         |         |         |         |         |         |
|--------|---------|---------|---------|---------|---------|---------|---------|
| GAME 1 | GAME 2  | GAME 3  | GAME 4  | GAME 5  | GAME 6  | GAME 7  | GAME 8  |
| GAME 9 | GAME 10 | GAME 11 | GAME 12 | GAME 13 | GAME 14 | GAME 15 | GAME 16 |

(8) Determination of Prizewinners.

(a) There are sixteen games on a ticket. A ticket having two matching play symbols and corresponding play symbol captions in the same game shall entitle the claimant to the corresponding prize shown for that game. A ticket having a

**8**

black “**8** EGT ” symbol in any game shall entitle the claimant to the prize shown for that game. A ticket having a green “**8** WIN8K ” symbol in any game shall entitle the claimant to eight (8) times the prize shown for that game.

(b) The prize amounts are: \$5.00, \$8.00, \$10.00, \$15.00, \$18.00, \$20.00, \$25.00, \$40.00, \$50.00, \$80.00, \$100, \$500, \$888, \$1,000, \$2,000, \$8,888 and \$88,888.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 731 are as follows:

| GAME PLAY       | WIN  | ODDS OF 1 IN | NUMBER OF WINNERS IN 52 POOLS OF 120,000 TICKETS PER POOL |
|-----------------|------|--------------|---|
| \$5             | \$5  | 10.00        | 624,000   |
| \$8             | \$8  | 15.00        | 416,000   |
| \$5 x 2         | \$10 | 60.00        | 104,000   |
| \$10            | \$10 | 60.00        | 104,000   |
| \$10 (EIGHT)    | \$10 | 30.00        | 208,000   |
| \$15            | \$15 | 60.00        | 104,000   |
| (\$5 x 2) + \$8 | \$18 | 120.00       | 52,000  |
| \$18            | \$18 | 120.00       | 52,000  |

|   |          |            |        |
|---|----------|------------|--------|
| \$25 (EIGHT)                              | \$25     | 171.43     | 36,400 |
| \$25                                      | \$25     | 400.00     | 15,600 |
| \$5 (GREEN 8)                             | \$40     | 800.00     | 7,800  |
| \$40 (EIGHT)                              | \$40     | 800.00     | 7,800  |
| \$5 x 16                                  | \$80     | 1,200.00   | 5,200  |
| \$10 (GREEN 8)                            | \$80     | 1,200.00   | 5,200  |
| \$80 (EIGHT)                              | \$80     | 1,200.00   | 5,200  |
| (\$5 x 15) + \$25                         | \$100    | 1,500.00   | 4,160  |
| \$10 (GREEN 8) + \$20                     | \$100    | 1,500.00   | 4,160  |
| (\$5 x 4) + \$10 (GREEN 8)                | \$100    | 1,500.00   | 4,160  |
| (\$10 x 2) + \$10 (GREEN 8)               | \$100    | 1,666.67   | 3,744  |
| \$100 (EIGHT)                             | \$100    | 1,666.67   | 3,744  |
| \$25 (GREEN 8) + (\$50 x 6)               | \$500    | 12,000.00  | 520    |
| (\$10 x 10) + \$50 (GREEN 8)              | \$500    | 12,000.00  | 520    |
| \$500 (EIGHT)                             | \$500    | 12,000.00  | 520    |
| \$8 + \$50 (GREEN 8) + \$80 + (\$100 x 4) | \$888    | 120,000.00 | 52     |
| \$8 + \$80 + \$100 (GREEN 8)              | \$888    | 120,000.00 | 52     |
| \$888 (EIGHT)                             | \$888    | 120,000.00 | 52     |
| \$888 + \$1,000 (GREEN 8)                 | \$8,888  | 780,000.00 | 8      |
| \$888 (EIGHT) + (\$2,000 x 4)             | \$8,888  | 780,000.00 | 8      |
| \$8,888 (EIGHT)                           | \$8,888  | 780,000.00 | 8      |
| \$88,888                                  | \$88,888 | 624,000.00 | 10     |

(10) The estimated overall odds of winning some prize in Instant Game Number 731 are 1 in 3.53. Prizes, including the top prizes, are subject to availability at the time of ticket purchase. Prizes may be unavailable due to prior sale or other causes occurring in the normal course of business including, but not limited to, ticket damage, defect, theft, or loss.

(11) For reorders of Instant Game Number 731, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a SUPER AMAZING 8's lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for SUPER AMAZING 8's lottery tickets shall be made in accordance with rules of the Florida Lottery governing payment of prizes.

A copy of the current rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

Specific Authority 24.105(9)(a), (b), (c), 24.109(1), 24.115(1) FS, Law Implemented 24.105(9)(a), (b), (c), 24.115(1) FS, History—New 11-30-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: November 30, 2007

**AGENCY FOR HEALTH CARE ADMINISTRATION**

**Medicaid**

|            |   |
|------------|---|
| RULE NOS.: | RULE TITLES:  |
| 59GER07-2  | Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table |
| 59GER07-3  | Developmental Disabilities Services Waiver Provider Rate Table  |

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC, HEALTH, SAFETY OR WELFARE:** The Agency for Persons with Disabilities faces a severe and growing budget deficit that creates an immediate danger to the public health, safety, or welfare. Adoption of the emergency rule is necessary to assure appropriated dollars are available for the provision of basic services to persons with disabilities, one of Florida’s most vulnerable communities. The emergency rule is necessary to conserve legislatively appropriated dollars necessary for the protection of the public health, safety and welfare.

The Agency for Persons with Disabilities (APD) administers the State of Florida’s Medicaid waiver program for persons with developmental disabilities and establishes the rates for residential habilitation services. The Agency for Health Care Administration (AHCA) is designated as the “single state agency” for Medicaid with legislatively delegated authority to adopt the rates for residential habilitation services as administrative rules.

The individuals served are people diagnosed with retardation, cerebral palsy, autism, spina bifida, or Prader-Willi syndrome that manifest before the age of 18. They often suffer from complex medical problems as well. Many require assistance with eating, supervision during waking hours, enteral nutrition, and multiple medications. The Agency for Persons with Disabilities’ waiver program serves over 30,000 disabled persons. It has a waiting list of over 15,000 disabled persons who seek services that cannot be provided as the result of APD’s severe budget deficit.

No disabled persons will be removed from the waiver program, as a result of the Emergency Rule. Instead, the Emergency Rule will immediately reduce the rates paid to providers of residential habilitation services by an average of 7% effective December 1, 2007. APD determined that the 7% average rate reduction will combine with the effect of other actions to reduce the projected deficit enough to permit continued funding of services within the legislative appropriation. The rate reduction is a critical component of a total deficit reduction of approximately 36.1 million dollars. The other actions include imposing a 180 hours per month limit on personal care services for adult clients which reduces the services of many. APD has eliminated therapeutic massage, homemaker, chore, non-residential support, and psychological assessment services for clients. The combined savings from

those actions are projected to reduce the deficit by 24.6 million dollars. These actions allowed APD to limit the rate reduction to an average of 7 percent.

Without the savings achieved by the immediate implementation of these rate reductions required by the Florida Legislature, the Agency for Persons with Disabilities’ budget deficit will continue to increase by approximately \$1.5 million per month. In addition, the State of Florida is now projecting a revenue shortfall for the current budget year. Every dollar not saved now is a dollar that cannot be used to make needed services available to persons with disabilities. If this rate reduction and the other savings measures mandated by the Legislature are not implemented, the Developmental Disabilities Home and Community Based Medicaid Waiver Services expenses for the developmentally disabled are projected to exceed the legislative appropriation by \$84,006,018.

This deficit of over \$84 million dollars creates an immediate and continuing danger to the developmentally disabled people APD serves. Thousands of needy go unserved because of it. The consequence of the deficit is that APD will not have a sufficient amount of appropriated funds in the 2007-2008 Fiscal Year to cover the needed services as the budget year ends. Without the immediate implementation of the rate structure, the Developmentally Disabled Waiver will have insufficient funds to operate through the end of the year, which would result in the inability to provide services to the recipients who depend on these services. Consequently, there will be an immediate danger to the public health, safety and welfare. There is insufficient time to promulgate a rule through the regular rulemaking process as the rate structure assumes the start date of December 1, 2007 to accomplish the minimum saving necessary for protection of the public health, safety and welfare. Each month, the new rate is not in effect, the budget deficit will continue to grow which means the amount of services that may be eliminated at the end of the year will be increased.

The Florida Legislature has emphasized curing the financial problems by any means in statute and General Appropriations Act proviso requirements. Section 393.0661(4), F.S. (2007) states:

Nothing in this section or in any administrative rule shall be construed to prevent or limit the Agency for Health Care Administration, in consultation with the Agency for Persons with Disabilities, from adjusting fees, reimbursement rates, lengths of stay, number of visits or number of services, or from limiting enrollment, or making any other adjustment necessary to comply with the availability of moneys and any limitations or direction provided for in the General Appropriations Act.

The budget proviso to the 2007 General Appropriations Act provides:

The agency [for Persons with Disabilities] shall work with the Agency for Health Care Administration to implement the plan to remain within appropriation.

From the funds in Specific Appropriation 270, the agency [for Persons with Disabilities] shall only serve additional clients on the Developmental Disabilities Home and Community Based Services Medicaid Waiver if they are in crisis and sufficient funding is made available through attrition.

Payment for residential habilitation services is a major part of the APD's expenditures. For FY 2006-2007, APD spent \$312,366,441 on residential habitation services. That is approximately 30% of total Developmental Disabilities Home and Community Based Services Medicaid Waiver budget and nearly 400% more than any other waiver service. Approximately 6,000 persons receive residential services. That is 20% of the total number of people receiving Medicaid waiver services. In addition to Developmental Disabilities Home and Community Based Services Medicaid Waiver costs, APD spends \$2 million on Room and Board for children in Group Homes. APD also pays the difference if an adult's SSI payment is less than the standard monthly amount.

The proposed changes will reduce the expenditure for residential habilitation services for the remainder of FY 2007-2008 by about \$11.4 million dollars. This savings is necessary to help reduce APD's deficit, to comply with Legislative mandates, and to continue to serve the needy at the current level and expand the number APD can help. The Legislature has also commanded the APD to do all things necessary to cure the deficit. Section 393.0061, F.S. (2007) commands APD to reduce the deficit by all means including limiting services, reducing rates or even limiting the number of people provided services. All of these may be necessary without the savings generated by this emergency rule and other cost savings measures.

The Legislature also specifically commanded the Agency for Persons with Disabilities to reduce residential habilitation rates and implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services. The emergency rule fulfills that requirement.

**REASONS FOR CONCLUDING THAT THE PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES:** The procedure for adoption of this emergency rule is "fair under the circumstances" as required by Section 120.54(4), F.S. and provides the procedural protection required for adoption of an emergency rule. Section 393.0661(3), F.S. (2007) mandated APD to reduce the deficit by all means including limiting services, reducing rates, or limiting the number of people provided services. Chapter 2007-64, Laws of Florida specifically mandated APD to reduce residential habilitation rates by implementing a consolidated residential habilitation

rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

The provider community received timely advance notice that the Agency for Persons with Disabilities was considering rate adjustments to meet the legislature mandate to increase savings and establish uniform rates for providers. APD hosted a series of Systems Review Workgroups for the purpose of identifying means of dealing with the projected deficit for APD, improving the accountability of the Developmental Disabilities Medicaid waiver system, and restructuring the residential habilitation rate structure. In addition to the 12 meetings held between APD and various interest groups, there was also a specific sub-workgroup developed to exclusively address the residential habilitation rates. Along with staff from APD and AHCA, participants in the process included self-advocates (clients), family members, providers and provider associations, waiver support coordinators, representatives from advocacy groups including Florida Association for Rehabilitation Facilities (FARF), the Family Care Council, Arc of Florida, Florida Association of Support Coordinators, Sunrise, a provider agency, and Mentor, a provider agency. After the initial introduction of the APD Residential Habilitation rate structure, additional input was obtained from the various affected groups. The Agency for Persons with Disabilities received, considered and incorporated comments from the provider community regarding its position on the proposed rate adjustments. Constitutional and statutory due process requirements are met as an opportunity for judicial review of the emergency rule is provided by Section 120.54(4)(a)3., F.S., and an opportunity to contest the emergency rule is provided by Section 120.5615, F.S.

**SUMMARY OF THE RULE:** The emergency rule implements the mandate of the Florida Legislature in Chapter 2007-64 of the Laws of Florida amending Sections 393.0661(3)(f)4. and 393.0661(3)(f)8., F.S. (2007) and the budget proviso requirements of the 2007 General Appropriations Act. Chapter 2007-64 required:

Section 393.0661(3)(f)8., F.S. The agency [for Persons with Disabilities] shall implement a consolidated residential habilitation rate structure to increase savings to the state through a more cost-effective payment method and establish uniform rates for intensive behavioral residential habilitation services.

The budget proviso to the 2007 General Appropriations Act provides:

The agency [for Persons with Disabilities] shall implement a consolidated Residential Habilitation rate structure to increase savings to the state through a more cost effective payment method and establish uniform rates for the Intensive Behavior Residential Habilitation services.

The Emergency Rule establishes the rates paid providers of residential habilitation services provided to developmentally disabled individuals on the Developmental Disabilities Home and Community Based Services Medicaid Waiver. Residential habilitation provides supervision and specific training activities that assist the recipient to acquire, maintain or improve skills related to activities of daily living.

The purpose of Rule 59GER07-2, is to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, December 1, 2007. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Residential Habilitation Services in a Licensed Facility Provider Rate Table, December 1, 2007.

The purpose of Rule 59GER07-3 Developmental Disabilities Services Waiver Provider Rate Table is to amend Rule 59G-13.081, F.A.C., to remove the rates for Residential Habilitation Services from the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table effective December 1, 2007. The effect will be to incorporate by reference in rule the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, December 1, 2007.

The Agency for Health Care Administration published a Notice of Rule Development for proposed changes to residential rehabilitation rates paid by the Agency for Persons with Disabilities to providers in the November 16, 2007 Florida Administrative Weekly. The rule development hearing is scheduled for Monday, December 3, 2007, from 3:00 to 4:30.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULES IS: Pamela Kyllonen, Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)414-9756, Kyllonep@ahca.myflorida.com.

THE FULL TEXT OF THE EMERGENCY RULES IS:

59GER07-2 Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table.

(1) This rule applies to all developmental disabilities waiver services providers enrolled in the Medicaid program.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table, December 1, 2007, which is incorporated by reference. The Developmental Disabilities Waiver Residential Habilitation Services in a Licensed Facility Provider Rate Table is available from the Medicaid fiscal agent website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS., Chapter 2007-64, L.O.F. History–New.

59GER07-3 (amending 59G-13.081) Developmental Disabilities Waiver Provider Rate Table.

(1) No change.

(2) All developmental disabilities waiver services providers enrolled in the Medicaid program must be in compliance with the Developmental Disabilities Home and Community-Based Services Waiver Provider Rate Table, ~~December~~ January 1, 2007, which is incorporated by reference. The rate table is available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Fees. Paper copies of the rate table may be obtained from the Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, M.S. 20, Tallahassee, Florida 32308.

Specific Authority 409.919 FS. Law Implemented 393.0661, 409.906, 409.908 FS. History–New 5-29-06, Amended 11-15-07.

THESE RULES TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULES.

EFFECTIVE DATE: December 1, 2007

#### **DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

## Section V Petitions and Dispositions Regarding Rule Variance or Waiver

#### **DEPARTMENT OF LAW ENFORCEMENT**

NOTICE IS HEREBY GIVEN THAT on November 26, 2007, the Criminal Justice Standards and Training Commission, received a petition for a temporary variance of the requirements of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner requests that the Commission grant him an additional 45 days to become employed.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, Florida 32302, or by telephoning (850)410-7676. Comments on the Petition should also be directed to the above address or telephone number.

**DEPARTMENT OF TRANSPORTATION**

NOTICE IS HEREBY GIVEN THAT on November 28, 2007, the Department of Transportation, received a petition for variance from Lamar Outdoor Advertising – Lakeland, seeking a variance from or waiver of the provisions of paragraph 14-10.007(2)(b), Florida Administrative Code. The Rule prohibits modifications to the height above ground level for nonconforming billboards. Lamar Outdoor – Lakeland proposes that the Department grant a variance or waiver because the erection of a sound wall blocked the visibility of four nonconforming billboards it owns along Interstate 4 in Polk County, thus the signs needed to be raised to maintain visibility of the signs by passing motorists.

Comments on this proposed variance or waiver should be filed with the Clerk of Agency Proceedings, Department of Transportation, 605 Suwannee Street, M.S. 58, Tallahassee, Florida 32399-0458, within 14 days of the publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Clerk of Agency Proceedings. For additional information, contact Susan Schwartz, Assistant General Counsel at (850)414-5265.

**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 November 5, 2007, the St. Johns River Water Management District, received a petition for variance from Fred D. Boozer, Jr., in relation to Environmental Resource Permit Application 4-009-106121-1 for a proposed multi-family, observational pier in Brevard County. Pursuant to Section 373.414(17), F.S., the petitioner is seeking a variance from paragraph 40C-4.302(1)(c), F.A.C., and Sections 10.1.1(c), 12.1.1(d) and 12.2.5(c) of the Applicant's Handbook: Management and Storage of Surface Waters. These rules are designed to protect Class II or Class III waters which are classified as approved, restricted, conditionally approved or conditionally restricted for shellfish harvesting and require permit applicants to comply with the additional criteria when the proposed work is located in such waters. The petitioner seeks the variance to construct a multi-family, observational pier including an access walkway and a terminal platform. The work is proposed to occur directly in the Indian River, which in this area is a Class II water. Comments on this petition should be filed with Robert Nawrocki, District Clerk, St. Johns River Water Management

District, 4049 Reid Street, Palatka, Florida 32177-2529, within 14 days of publication of this notice. The petition has been assigned File of Record Number 2007-73.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Mary Ellen Winkler, Assistant General Counsel, St. Johns River Water Management District at the foregoing address or at (386)312-2340.

NOTICE IS HEREBY GIVEN THAT on November 27, 2007, the South Florida Water Management District (District), received a petition for waiver from the Collier County Transportation Engineering and Construction Management, Application Number 07-0910-1, for utilization of Works or Lands of the District known as the Cocohatchee Canal for proposed installation of a multi-use 12 foot wide asphalt pathway; Section(s) 23-24, Township 48 South, Range 26 East, Collier County. The petition seeks relief from subsections 40E-6.011(4) and (6), Florida Administrative Code, which governs the placement of permanent and semi-permanent above-ground structures within 40 feet of top of the canal bank 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](mailto: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 the 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 November 30, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE IS HEREBY GIVEN THAT on November 13, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Aimmee Lee Angizer Mobile located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for

hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 14, 2007, the Florida Department of Health, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Best Western Midtown located in Sarasota. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees... They are requesting a variance to use centrally located bathroom facilities for patrons.

A copy of the Petition for Variance or Waiver may be obtained by contacting Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 16, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Mi Lindo Ecuador located in Doral. 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 forty (40).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 16, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Roma Organic Gelato located in Miami. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. They are requesting a variance to use bathroom facilities on the second floor of the mall.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 19, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from China Crossings located in St. Petersburg. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of twenty (20).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 27, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from El Potro Catering, Inc. located in Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

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NOTICE IS HEREBY GIVEN THAT on November 28, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Elba Gonzalez Mobile Food Dispensing Vehicle located in Apopka. 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 for Variance or Waiver may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 14, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from Best Western Midtown located in Sarasota. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees... They are requesting a variance to use centrally located bathroom facilities for patrons.

Approval is contingent upon the Petitioner ensuring the centrally located bathrooms are functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within or outside the establishment clearly stating the location of the bathrooms. Seating shall not exceed forty-four (44) which includes inside and outside seating. All provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on September 18, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsection 61C-4.010(7), Florida Administrative Code, from the Cuban Sandwich X press located in Melbourne. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees... They are requesting a variance to share bathroom facilities with an adjacent establishment.

Approval is contingent upon the Petitioner ensuring the bathrooms located in the adjacent establishments, Framed 2 Go, Bloomin Basket Florist, and Coiffeurs International, are functional, has running water at all times, provided with soap and an approved method to dry hands, kept in a clean and sanitary manner, and available during all hours of operation. The Petitioner shall also ensure directional signage is installed within/or outside the establishment clearly stating the location of the bathrooms. Petitioner will have no seating and all provisos shall be met prior to licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE IS HEREBY GIVEN THAT on November 7, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(5) and 61C-1.004(1), Florida Administrative Code, from Garden Café located in Naples. The above referenced F.A.C. refers to Chapters four and five in the 2001 Federal Food and Drug Administration (FDA) Food Code. The Chapters in the 2001 FDA Food Code refer to required cooling, heating, holding, warewashing, and service sink equipment in food service establishments. The Petitioner is requesting to share warewashing facilities and service sink equipment with a licensed food service establishment on the same premises.

This variance request was approved and is contingent upon the Petitioner ensuring a sufficient number of three-compartment sinks or mechanical warewashing machines for washing, rinsing, and sanitizing equipment and utensils for Garden Café and the licensed main kitchen. Handwashing procedures are to be strictly adhered to as specified in the Federal Food and Drug Administration 2001 Food Code Section 2-301.14. If the menu changes or expands in any manner or operating hours or accessibility for the licensed main kitchen changes, this variance request will be re-evaluated. All provisos shall be met prior to final licensing. Any violation of the variance is the equivalent of a violation of the rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: [Xenia.Bailey@dbpr.state.fl.us](mailto:Xenia.Bailey@dbpr.state.fl.us).

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NOTICE IS HEREBY GIVEN THAT on November 30, 2007, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants has issued an order.

NOTICE WAS HEREBY GIVEN THAT on November 5, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.0101(1) and 61C-4.010(6), Florida Administrative Code, from Taco Loco Southwest Mexican Restaurant Mobile Food Dispensing Vehicle located in Plant City. 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.

This variance request was approved and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D)(2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to subsection 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

A copy of the Order may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 17, 2007, by John F. Lawson. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 20, of the May 18, 2007, F.A.W. The Petitioner sought a waiver or variance of subsection 61H1-29.003(4), F.A.C., entitled "Licensure by Endorsement" which requires an applicant seeking licensure by endorsement to have experience that includes at least five years experience in the practice of public accounting while licensed as a Certified Public Accountant or Chartered Accountant in the practice of public accounting or as an auditor or accountant in a unit of federal, state, or local government provided that the position held meets the activity and supervision requirements set forth in Section 473.308(4), F.S. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order denied the petition finding that Petitioner failed to establish that the purpose of the underlying statute would be met were his petition to be granted. The Board further found that Petitioner failed to establish that applying the requirements of the aforementioned Rule to his circumstances would violate principles of fairness and impose substantial hardship.

A copy of the Order may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607.

NOTICE IS HEREBY GIVEN THAT on September 19, 2007, the Board of Accountancy has issued an order.

The Order is regarding the Petition for Waiver or Variance, filed on April 17, 2007, by Paula Loop. The Notice of Petition for Waiver or Variance was published in Vol. 33, No. 18, of the May 4, 2007, F.A.W. Petitioner sought a waiver or variance of paragraph 61H1-27.002(2)(a), F.A.C., entitled "Concentrations in Accounting and Business" with regard to the requirement that an applicant for licensure must hold a baccalaureate degree from an accredited college or university and that 36 semester or 54 quarter hours earned in accounting education must be above the elementary level. The Board considered the instant Petition at a duly-noticed public meeting, held July 20, 2007, in Tampa, Florida.

The Board's Order denied the petition. The Board granted Petitioner's application for licensure by endorsement on other grounds. In that Petitioner had already achieved what she sought to do through waiver of the rule, the petition was denied for mootness.

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 November 28, 2007, the Board of Dentistry, received a petition for a waiver or variance of Rule 64B5-2.013, F.A.C., by Allyn E. Segelman, D.M.D., S.M., with respect to the following: That Petitioner's October 2007 Dental Examination be graded pursuant to the grading requirements of Rule 64B5-2.013, F.A.C., effective August 3, 2007; before the new grading system was implemented by Rule 64B5-2.013, F.A.C., effective July 17, 2007.

Comments on this petition should be filed with the Board of Dentistry, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sue Foster, Executive Director, at the above address or telephone (850)245-4474.

**Section VI****Notices of Meetings, Workshops and Public Hearings****DEPARTMENT OF LEGAL AFFAIRS**

The **Department of Legal Affairs** announces the Attorney General's Gang Reduction Strategy Summit.

DATES AND TIMES: December 19, 2007, 10:00 a.m. – 4:30 p.m.; December 20, 2007, 9:00 a.m. – 3:00 p.m.

PLACE: Room 212, Knott Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Attorney General Bill McCollum's Gang Reduction Strategy Summit will include breakout sessions covering such topics as: gang suppression and deterrence; prosecution issues; rehabilitation and reentry; community resources and infrastructure.

Invited participants may obtain registration information or a copy of the meeting agenda by contacting Anna Phillips via telephone at (850)245-0204.

Pursuant to the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Bureau at least 48 hours prior to the meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, contact the Bureau of Criminal Justice Programs at (850)414-3300.

**DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES**

The **Pesticide Registration Evaluation Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 9:00 a.m.

PLACE: Bureau of Pesticides Conference Room, 3125 Conner Boulevard, Building 6, Room 606, Tallahassee, Florida 32399, (850)487-2130

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will discuss and make recommendations on pesticide registration issues impacting human health and safety and the environment.

A copy of the agenda may be obtained by contacting: Pesticide Registration Section, (850)487-2130 or from the PREC Web Site at: <http://www.flaes.org/pesticide/pesticideregistration.html>.

For more information, you may contact: Mr. Charlie L. Clark, Administrator, Pesticide Registration Section, 3125 Conner Boulevard, Building 6, Room 601, Tallahassee, Florida 32399-1650, (850)487-2130.

The **Consumer Fertilizer Task Force** announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2008, 8:00 a.m. – 5:00 p.m.

PLACE: Florida Department of Management Services, 4050 Esplanade Way, Room 152, Tallahassee, Florida, 32399-0950, (850)488-6687

GENERAL SUBJECT MATTER TO BE CONSIDERED: The meeting will be to review, discuss and seek consensus on a package or recommendations to the legislature for proposed refinements to Florida's regulation and use of consumer fertilizers to ensure they are based on the best available science and uniform subject to variations necessary to meet mandated state and federal water quality standards.

A copy of the agenda may be obtained by contacting: Mr. Anderson H. "Andy" Rackley, Director, Division of Agricultural Environmental Services, 3125 Conner Boulevard, Suite F, Tallahassee, Florida 32399, (850)488-3731.

The **Pest Control Enforcement Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m.

PLACE: Mid-Florida Research and Education Center, 2725 Binion Road, Room, 185, Apopka, Florida, (407)884-2034

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the business of the Council.

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A copy of the agenda may be obtained by contacting: Mr. Mike Page, Chief of Entomology and Pest Control at (850)921-4177.

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The **Pest Control Research Advisory Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 8:00 a.m. – 9:00 a.m.

PLACE: Doubletree Hotel Universal Studios, Cape Canaveral Room, 5780 Major Boulevard, Orlando, Florida 32819, (407)351-1000

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and prioritize research areas/issues in pest control.

For more information, you may contact: Mr. Mike Page, Chief of Entomology and Pest Control at (850)921-4177.

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#### DEPARTMENT OF EDUCATION

The **University of West Florida**, Florida Public Archaeology Network announces a telephone conference call to which all persons are invited.

DATE AND TIME: Tuesday, December 18, 2007, 9:00 a.m. (CST)

PLACE: The public may join the conference call by dialing from any telephone. The phone number and access code needed to join the conference call may be obtained by contacting: Cheryl Phelps, Office Administrator, FPAN, phone (850)595-0050, Fax (850)595-0052, email [cphelps@uwf.edu](mailto:cphelps@uwf.edu)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review proposals and select a host for the FPAN Southwest Region Center.

A copy of the agenda may be obtained by contacting: An agenda will be posted December 11, 2007, on the web site at <http://www.flpublicarchaeology.org/cc/documents/>.

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: UWF ADA Office at 1(850)857-6114 (TTY) or 1(850)473-7469. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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The **Criminal Justice Standards and Training Commission**, Region VI announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, January 16, 2008, 10:00 a.m.

PLACE: Marion County Sheriff's Office, Sheriff's Conference Room, 692 N. W. 30th Avenue, Ocala, Florida 34475

GENERAL SUBJECT MATTER TO BE CONSIDERED: To establish the 2008-2009 operating budget, review the 2007-2008 expenditures to date and election of officers.

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A copy of the agenda may be obtained by contacting: Central Florida Community College, ATTN: Steven Ash, 3001 S. W. College Road, Ocala, Florida 34474.

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#### DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs**, Century Commission for a Sustainable Florida announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, December 17, 2007, 1:00 p.m. – until conclusion

PLACE: This meeting will be conducted via a toll-free conference call. A limited number of lines are available and we request anyone interested in participating contact the Century Commission in order to reserve a space. Conference call information will be provided at that time.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This will be the thirteenth meeting of the Century Commission. The members will continue to discuss the Commission's statutory role, including how to address the impacts of population growth during the next 25-50 years.

A copy of the agenda may be obtained by contacting: All information regarding this meeting and the Century Commission may be obtained at the Internet address [www.centurycommission.org](http://www.centurycommission.org). A copy of the agenda may be obtained by calling (850)219-0082, ext. 5, or by visiting the web site.

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#### DEPARTMENT OF TRANSPORTATION

The Hillsborough County in cooperation with the Florida **Department of Transportation**, District 7 announces a hearing to which all persons are invited.

DATE AND TIMES: Tuesday, January 8, 2008, 5:00 p.m. – 7:00 p.m.; Formal Presentation 6:00 p.m.

PLACE: East Tampa Christian Church, 7824 24th Avenue South, Tampa, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This Public Hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and social, economic and environmental effects of WPI Segment No. 421140-6; otherwise known as U.S. 301 PD&E Study in Hillsborough County, Florida. The U.S. 301 PD&E Study limits are Falkenburg Road to Causeway Boulevard in Hillsborough County. The project length is 0.75 miles. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact: Mr. Jamie Sullivan, P.E. at Kimley-Horn and Associates, Inc. by calling (813)620-1460 or by e-mail at [jamie.sullivan@kimley-horn.com](mailto:jamie.sullivan@kimley-horn.com) at least seven days prior to the meeting.

A copy of the agenda may be obtained by contacting Mr. Sullivan at the number above.

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The **Department of Transportation**, District One announces a public hearing to which all persons are invited.

DATE AND TIMES: Tuesday, January 8, 2008, Open House 6:00 p.m.; Public Hearing 7:00 p.m.

PLACE: Omni Orlando Resort at Champions Gate, 1500 Masters Boulevard, ChampionsGate, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to allow persons an opportunity to express their views concerning the location, conceptual design, and social, economic, and environmental impacts of the Project Development and Environment Study for U.S. 27 in Polk County, from north of I-4 to U.S. 192; Financial Project ID Number 197534-1-22-01. The proposed improvements to U.S. 27 consist of upgrading the existing four-lane roadway to a six-lane divided rural roadway from north of I-4 to U.S. 192. This project is located in Polk County.

Anyone needing special accommodations pursuant to the Americans with Disabilities Act of 1990 or persons that require translation services (free of charge) should contact Mr. Scott McCall by telephone at 1(863)519-2990 or by writing to the address below at least seven (7) days prior to the public hearing.

A copy of the agenda may be obtained by writing: Mr. Scott McCall, FDOT District One Office, P. O. Box 1249, Bartow, FL 33831.

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The **Department of Transportation**, District 2 announces a hearing to which all persons are invited.

DATE AND TIME: January 10, 2008, 4:30 p.m. – 6:30 p.m.

PLACE: Florida Department of Transportation Jacksonville Urban Office, Training Facility, 2198 Edison Street, Jacksonville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:

This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, social, economic and environmental effects of Financial Project ID: 217417-1, otherwise known as the Jacksonville Transportation Center. The purpose of the Jacksonville Transportation Center is to provide one central location for the different forms of transportation in the area. JTA Bus, JTA Skyway, Greyhound and Amtrak will be located at the Center. This will give passengers a way to safely and easily move between each terminal. Also proposed for the Center is an office complex for transportation agencies, a parking facility, retail space and a regional transportation management center. Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status.

A copy of the agenda may be obtained by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mr. Bill Henderson, District Planning and Environmental Manager, Florida Department of Transportation, District 2, 1109 S. Marion Avenue, MS 2007, Lake City, Florida 32025-5874. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND**

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

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### **STATE BOARD OF ADMINISTRATION**

The **Florida Hurricane Catastrophe Fund** on behalf of the Florida Commission on Hurricane Loss Projection Methodology announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, December 18, 2007, 9:00 a.m. – 11:00 a.m. (ET)

PLACE: This will be a teleconference call. To participate, call: 1(888)808-6959, Conference Code: 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular business meeting of the Florida Commission on Hurricane Loss Projection Methodology.

A copy of the agenda may be obtained by contacting: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, Florida 32317-3300, (850)413-1349.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Donna Sirmons, at the address or phone number given above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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### **PUBLIC SERVICE COMMISSION**

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 3, 2008, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: PREHEARING CONFERENCE: Docket No. 070109-WS – Application for amendment of Certificates 611-W and 527-S to extend water and wastewater service areas to include certain land in Charlotte County by Sun River Utilities, Inc. (f/k/a MSM Utilities, LLC). The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

A copy of the agenda may be obtained by contacting: Ralph Jaeger, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6234.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 or at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Office of Commission Clerk, 2540 Shumard Oak Blvd., Tallahassee, Florida 32399-0850 or at (850)413-6770.

#### Emergency Cancellation of Customer Meeting

If a named storm or other disaster requires cancellation of the meeting, Commission will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

The Florida **Public Service Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, January 10, 2008, 6:00 p.m.

PLACE: Chain of Lakes Complex (Poolside Room), 210 Cypress Gardens Blvd., Winter Haven, Florida 33880

GENERAL SUBJECT MATTER TO BE CONSIDERED: DOCKET NO. 070413-WS – Application for staff-assisted rate case in Polk County by S.V. Utilities, Ltd.

The purpose of this customer meeting is to give customers and other interested persons an opportunity to offer comments regarding the quality of service the utility provides, the proposed rate increase, and to ask questions and comment on other issues. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

A copy of the agenda may be obtained by contacting: Lydia Roberts, Division of Economic Regulation, 2540 Shumard Oak Blvd., Tallahassee, FL 32399-0850, (850)413-6877.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Office of Commission Clerk at (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

#### Emergency Cancellation of Customer Meeting

If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission's website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

### REGIONAL PLANNING COUNCILS

The **South Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, January 7, 2008, 10:30 a.m.

PLACE: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021

GENERAL SUBJECT MATTER TO BE CONSIDERED: Any Development Order received prior to the meeting; Any proposed Local Government Comprehensive Plan received prior to the meeting; Any adopted Local Government Comprehensive Plan received prior to the meeting; Proposed Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments for Coral Springs, Lauderhill and Davie; Proposed Local Government Comprehensive Plan Amendments for North Lauderdale, Parkland, Tamarac and Miami-Dade County; Any proposed Local Government Comprehensive Plan Amendment received prior to the meeting; Adopted Public Education Facilities Element (PEFE)/Capital Improvements Element (CIE) Updates Amendments; Adopted Local Government Comprehensive Plan Amendments for Davie, Hialeah, Broward County and Plantation; Any adopted Local Government Comprehensive Plan Amendment received prior to the meeting; Meeting on monthly Council business; Executive Committee meeting at 10:00 a.m. at the above location.

A copy of the agenda may be obtained by calling (954)985-4416.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by calling (954)985-4416. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: South Florida Regional Planning Council, 3440 Hollywood Boulevard, Suite 140, Hollywood, FL 33021, (954)985-4416.

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: January 30, 2008, 10:00 a.m.

PLACE: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a meeting of the Energy Committee.

A copy of the agenda may be obtained by contacting: Elizabeth Gulick at (772)221-4060.

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).

## REGIONAL UTILITY AUTHORITIES

The **Withlacoochee Regional Water Supply Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: January 16, 2008, 4:30 p.m.

PLACE: Sumter County Government Annex, 910 North Main Street, Room 142, Bushnell, FL 33513

DATE AND TIME: February 20, 2008, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: March 19, 2008, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: April 16, 2008, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: May 21, 2008, 4:30 p.m.

PLACE: Sumter County Government Annex, 910 North Main Street, Room 142, Bushnell, FL 33513

DATE AND TIME: June 18, 2008, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: July 16, 2008, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: August 20, 2008, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

DATE AND TIME: September 17, 2008, 4:30 p.m.

PLACE: Sumter County Government Annex, 910 North Main Street, Room 142, Bushnell, FL 33513

DATE AND TIME: October 15, 2008, 4:30 p.m.

PLACE: Hernando County Government Center, County Commission Chambers, 20 N. Main Street, Brooksville, FL 34601

DATE AND TIME: November 19, 2008, 4:30 p.m.

PLACE: Citrus County Courthouse, Commission Chamber, First Floor, 110 N. Apopka Ave., Inverness, FL 34450

DATE AND TIME: December 17, 2008, 4:30 p.m.

PLACE: City Commission Chambers, City Hall, 151 S. E. Osceola Ave., 2nd Floor, Ocala, Florida 34471

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct regular business of the Authority.

A copy of the agenda may be obtained by contacting: Withlacoochee Regional Water Supply Authority, 1107 Shalimar Drive, Tallahassee, FL 32312 or at [www.WRWSA.org](http://www.WRWSA.org) under "minutes and notices," "current agenda."

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: Jackson Sullivan, Executive Director at (850)385-0220.

## AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: January 10, 2008, 10:00 a.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room A, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Health Information Exchange Coordinating Committee will meet to consider and make recommendations regarding the development of a statewide system of health information networks including strategies for the adoption and use of electronic health records.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL

32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/Governance/HIECCIndex.shtml> seven (7) days prior to the 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 Carolyn H. Turner, at (850)922-5861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATES AND TIME: January 11, 2008; January 23, 2008, 10:00 a.m. – 4:00 p.m.

PLACE: Tampa International Airport, Tampa Aviation Authority Board Room, 3rd Floor, Main Terminal, 5503 West Spruce Street, Tampa, Florida 33607, 1(888)808-6959, Conference Code 4138067

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of the LIP program including funding methodology, policies and procedures in accordance with the approved Medicaid Reform Section 1115 Demonstration.

A copy of the agenda may be obtained by contacting: Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com), with any questions or to obtain an agenda when it is set.

For more information, you may contact: Contact Edwin Stephens, (850)413-8067 or Suncom 294-8067, [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com).

The **Agency for Health Care Administration** announces a hearing to which all persons are invited.

DATE AND TIME: January 9, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32312 (Contact Name and Number: Edwin Stephens, (850)413-8067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public hearing is to review and discuss comments received from the Centers for Medicare and Medicaid Services (CMS) regarding the content of Proposed Rule 59G-6.020, F.A.C., Payment Methodology for Inpatient Hospital Services which incorporates changes to the Florida Title XIX Inpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2007.

A copy of the agenda may be obtained by contacting: Edwin Stephens, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, FL 32301, (850)413-8067, [stephens@ahca.myflorida.com](mailto:stephens@ahca.myflorida.com).

For more information, you may contact: Edwin Stephens 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, FL 32301, (850)413-8067 or [stephens@ahca.myflorida.com](mailto:stephens@ahca.myflorida.com).

The **Agency for Health Care Administration** announces a hearing to which all persons are invited.

DATE AND TIME: January 9, 2008, 3:00 p.m. – 4:00 p.m.

PLACE: The Agency for Health Care Administration, 2727 Mahan Drive, Building 3, Conference Room C, Tallahassee, Florida 32312 (Contact Name and Number: Edwin Stephens, (850)413-8067)

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this public hearing is to review and discuss comments received from the Centers for Medicare and Medicaid Services (CMS) regarding the content of Proposed Rule 59G-6.030, F.A.C., Payment Methodology for Outpatient Hospital Services which incorporates changes to the Florida Title XIX Outpatient Hospital Reimbursement Plan (the Plan) payment methodology, effective July 1, 2007.

A copy of the agenda may be obtained by contacting: Edwin Stephens, 2727 Mahan Drive, Building 3, Room 2149A, Tallahassee, FL 32301, (850)413-8067, [stephene@ahca.myflorida.com](mailto:stephene@ahca.myflorida.com).

#### DEPARTMENT OF MANAGEMENT SERVICES

The Florida **Commission on Human Relations** announces a hearing to which all persons are invited.

DATE AND TIME: Wednesday, January 10, 2008, 1:00 p.m.

PLACE: Florida Commission on Human Relations. The phone number to contact is 1(888)808-6959, when prompted enter the VCS Conference Code 1021548, followed by the # key.

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

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## DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIME: December 28, 2007, 9:00 a.m.

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 or by phone at (850)488-0062.

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: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202 or by phone at (850)488-0062. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 16, 2008, 4:00 p.m.; January 17, 2008, 8:30 a.m.; January 18, 2008, 8:30 a.m.

PLACE: Amelia Island Plantation, 6800 First Coast Highway, Amelia Island, FL 32034

GENERAL SUBJECT MATTER TO BE CONSIDERED: January 16, 2008, 4:00 p.m. – Probable Cause Panel (Portions of this meeting may be closed to the public).

January 17, 2008, 8:30 a.m. – Discipline and General Business.

January 18, 2008, 8:30 a.m. – General Business.

A copy of the agenda may be obtained by contacting: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: The Electrical Contractors' Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-0771, (850)922-5012. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Pilot Commissioners** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 17, 2008, 1:00 p.m. (CST); January 18, 2008, 9:00 a.m. (CST)

PLACE: Bay Point Marriott Golf Resort & Spa, 4200 Marriott Drive, Panama City Beach, FL 32408

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings, Probable Cause Panel and General Board and Business meeting.

A copy of the agenda may be obtained by contacting: Board of Pilot Commissioners, 1940 N Monroe Street, Tallahassee, FL.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board office at (850)922-6096. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

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The **Board of Professional Surveyors and Mappers** announces a public meeting to which all persons are invited.

DATES AND TIMES: January 8, 2008, 1:00 p.m., Probable Cause Panel Meeting; January 9, 2008, 8:30 a.m., Committee meetings and General Business Meeting if time allows; January 10, 2008, 8:30 a.m., General Business meeting

PLACE: Department of Business and Professional Regulation, Division of Professions Board Meeting Room, 1904 North Monroe Street, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee meetings of the board and General Business.



A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

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: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756. 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: Richard Morrison, Executive Director, Board of Professional Surveyors and Mappers, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

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#### DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, December 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 Technical 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 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 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).

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#### DEPARTMENT OF HEALTH

The **Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling** announces a public meeting to which all persons are invited.

DATE AND TIME: January 31, 2008, 1:00 p.m.; February 1, 2008, 9:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting.

The **Board of Nursing**, South Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: January 17, 2008, 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.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Board at (850)245-4125. 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.

The **Board of Opticianry** announces a public meeting to which all persons are invited.

DATE AND TIME: February 4, 2008, 8:30 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: Official Board Meeting.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Those who are hearing impaired, using TDD equipment can call the Florida Telephone Relay System at 1(800)955-8771. Persons requiring special accommodations due to disability or physical impairment should contact Sue Foster, (850)245-4474, at least one week prior to the meeting.

The **Department of Health** announces a public meeting on Rules 64E-6.001, General; 64E-6.002, Definitions; 64E-6.003, Permits; 64E-6.004, Application for System Construction Permit; 64E-6.005, Location and Installation; 64E-6.006, Site Evaluation Criteria; 64E-6.008, System Size Determinations; 64E-6.009, Alternative Systems; 64E-6.010, Septage and Food Establishment Sludge; 64E-6.0101, Portable Restrooms and Holding Tanks; 64E-6.011, Abandonment of Systems; 64E-6.012, Standards for the Construction, Operation, and Maintenance of Aerobic Treatment Units; 64E-6.013, Construction Materials and Standards for Treatment Receptacles; 64E-6.014, Construction Standards for Drainfield Systems; 64E-6.015, Permitting and Construction of Repairs; 64E-6.0151, Additive Use; 64E-6.016, U.S. Department of Agriculture Soil Textural Classification System; 64E-6.017, Definitions; 64E-6.018, System Location, Design and Maintenance Criteria; 64E-6.0181, Cesspit and Undocumented System Replacement and Interim System Use; 64E-6.0182, Coordinated Permitting; 64E-6.019, Requirements for Registration; 64E-6.020, Master Septic Tank Contractors; 64E-6.021, Issuance of Registration Certificates and Renewal; 64E-6.022, Standards of Practice and Disciplinary Guidelines; 64E-6.023, Certification of Partnerships and Corporations; 64E-6.025, Definitions; 64E-6.026, Applications for

Innovative System Permits and System Construction Permits; 64E-6.027, Permits; 64E-6.028, Location and Installation; 64E-6.029, Monitoring; 64E-6.0295, Innovative System Reclassification; 64E-6.030, Fees, F.A.C., to which all persons are invited.

DATE AND TIME: January 24, 2008, 9:00 a.m.

PLACE: Marriott Orlando Airport, 7499 Augusta National Drive, Orlando, FL 32822, Local Telephone (407)859-0552

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Technical Review and Advisory Panel will discuss issues relating to onsite sewage treatment and disposal systems and the Wekiva Study Area which may require changes to Chapter 64E-6, Florida Administrative Code.

A copy of the agenda may be obtained by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

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 14 days before the workshop/meeting by contacting: Shirley Kugler, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713. 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: Gerald Briggs, Department of Health, Bureau of Onsite Sewage Programs, 4052 Bald Cypress Way, Bin #A08, Tallahassee, Florida 32399-1713.

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its committees to which all interested parties are invited to participate. The committees are the Executive, Continuum of Care Capacity, Supportive Housing, Education, and Discharge Planning and Application and Rule.

Committee: Executive

DATES AND TIME: Monday, January 7, 2008; February 4, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Continuum of Care Capacity

DATES AND TIME: Tuesday, January 8, 2008; February 12, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Supportive Housing

DATES AND TIME: Thursday, January 17, 2008; February 14, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Education

DATES AND TIME: Thursday, January 17, 2008 and February 21, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Discharge Planning

DATES AND TIME: Friday, January 18, 2008; February 15, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

Committee: Application and Rule

DATE AND TIME: Friday, February 29, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce homelessness in Florida.

A copy of the agenda for any of the conference calls may be obtained by contacting: Tom Pierce, Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-4691, or email Tom\_Pierce @ dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness, (850)922-4691, at least 48 hours in advance of the meeting.

The **Department of Children and Family Services** announces a meeting of the **Statewide Council on Homelessness** to which all interested persons are invited.

DATE AND TIME: Tuesday, February 26, 2008, 11:00 a.m. – 4:00 p.m.

PLACE: Nova Southeastern University, President's Board Room, Horvitz Administration Building, 3301 College Avenue, Fort Lauderdale – Davie, Florida 33314-7796

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council will receive reports and recommendations from its committees on actions to further the Council's Strategic Plan, as well as accept public comments on issues related to homelessness.

A copy of the agenda for the meeting can be obtained from the Office on Homelessness by calling (850)922-4691.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access these meetings who may be in need of special assistance should contact the Office on Homelessness at (850)922-4691 at least 48 hours in advance of the meeting.

## FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: January 3, 2008, 10:00 a.m. (Tallahassee local time)

PLACE: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice is hereby given that the Florida Housing Finance Corporation ("Florida Housing") will conduct a public hearing in accordance with the Tax Equity and Fiscal Responsibility Act of 1982 ("TEFRA") to which all interested persons are invited.

To conduct a TEFRA hearing concerning the potential future issuance of tax-exempt bonds by Florida Housing to finance the acquisition and construction of the following multifamily residential rental development in the aggregate face amount, not to exceed the amount listed below:

Morris Court III, a 50-unit multifamily residential rental development located on the Southwest corner of the intersection of Godfrey Street and North "M" Street, Pensacola, Escambia County, Florida 32501. The prospective owner and operator of the proposed development is Morris Court III, Ltd., c/o Carlisle Development Group, LLC, 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133, or such successor in interest in which Morris Court III, Ltd., or an affiliate thereof, is a managing member, general partner and/or controlling stockholder. The prospective manager of the proposed development is Carlisle Property Management, Inc., 2950 S. W. 27th Avenue, Suite 200, Miami, FL 33133. The total tax-exempt bond amount is not to exceed \$4,500,000.

All interested parties may present oral comments at the public TEFRA hearing or submit written comments regarding the potential bond issuance for the development being financed. Written comments should be received by Florida Housing by 5:00 p.m. (Tallahassee local time), January 2, 2008, and should be addressed to the attention of Wayne Conner, Deputy Development Officer. Any persons desiring to present oral comments should appear at the hearing.

If requested in writing, a fact-finding hearing will be held in the county where the property is located. When possible, the local hearing will be held before the formal TEFRA hearing and comments received at the local hearing will be placed on record at the TEFRA hearing.

A copy of the agenda may be obtained by contacting Wayne Conner at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Wayne Conner at (850)488-4197. If you are hearing

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

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 Community Workforce Housing Innovation Pilot** (“CWHIP”), Program Application workshop announces a workshop to which all persons are invited.

DATE AND TIME: Tuesday, January 8, 2008, 10:00 a.m. – 1:00 p.m.

PLACE: Tallahassee City Hall, Commission Chambers, 300 South Adams Street, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Florida Housing Finance Corporation will hold one Community Workforce Housing Innovation Pilot (“CWHIP”) Program Application workshop for the 2007 CWHIP Application Cycle.

During the workshop, Florida Housing staff will present basic information about using the CWHIP Application. Those planning to apply are encouraged to attend the workshop.

The workshop is open to the public. No pre-registration is required and there is no attendance fee.

The final 2007 CWHIP Application, forms, and instructions are available on Florida Housing’s Website at: <http://www.floridahousing.org/Home/Developers/WorkforceHousing/2007CWHIP/2007CWHIPDefault.htm>.

These documents will be used at the workshop and attendees should print and bring copies, as there will not be copies available for the public at the workshop.

IMPORTANT: Attendees are encouraged to review the materials ahead of time and be prepared to ask questions at the workshop. If you wish to confirm the date and time for the workshop or have questions, please contact Bridget Warring by telephone at (850)488-4197 or by e-mail at [Bridget.Warring@floridahousing.org](mailto:Bridget.Warring@floridahousing.org).

A copy of the agenda may be obtained by contacting: Bridget Warring at (850)488-4197.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Bridget Warring. 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).

## FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission** announces a workshop to which all persons are invited.

DATE AND TIME: January 25, 2008, 6:30 p.m. – 8:30 p.m. (EST)

PLACE: Florida Department of Agriculture and Consumer Services, Doyle Conner Building, Division of Plant Industry Auditorium, 1911 Southwest 34th Street, Gainesville, Florida 32608-1201, (352)372-3505

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and receive public input concerning proposed Guidelines for the Permitting Process associated with the Gopher Tortoise Management Plan.

A copy of the agenda may be obtained by contacting: Deborah Burr, Florida Fish and Wildlife Conservation Commission, 620 South Meridian Street, Mail Station 2A, Tallahassee, FL 32399-1600, (850)488-3831.

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 ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

## FINANCIAL SERVICES COMMISSION

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-137.001, Florida Administrative Code, published on October 12, 2007 in Vol. 33, No. 41, of the F.A.W., No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at e-mail [Kerry.krantz@fldfs.com](mailto:Kerry.krantz@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-137.001 Annual and Quarterly Reporting Requirements.

(1) through (3) No change.

(4) Manuals Adopted.

(a) Annual and quarterly statements shall be prepared in accordance with the following manuals, which are hereby adopted and incorporated by reference:

1. The NAIC's Quarterly and Annual Statement Instructions, Property and Casualty, 2007 2006;

2. The NAIC's Quarterly and Annual Statement Instructions/Life, Accident and Health, 2007 2006;

3. The NAIC's Quarterly and Annual Statement Instructions/Health, 2007 2006; and

4. The NAIC's Quarterly and Annual Statement Instructions/Title, 2007 2006; and

5. The NAIC's Accounting Practices and Procedures Manual, as of March 2007 2006.

(b) No change.

1. through 2. No change.

Specific Authority 624.308(1), 624.424(1) FS. Law Implemented 624.424(1) FS. History—New 3-31-92, Amended 8-24-93, 4-9-95, 4-9-97, 4-4-99, 11-30-99, 2-11-01, 4-5-01, 12-4-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-137.001, Amended 1-6-05, 9-15-05, 1-25-07, \_\_\_\_\_.

A copy of the agenda may be obtained by contacting: the Governor and Cabinet Website at <http://www.myflorida.com/Milford/cabinet/mart.html>. The agenda should be available approximately one week before the cabinet meeting.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rule 690-138.001, Florida Administrative Code, published on October 12, 2007 in Vol. 33, No. 41, of the F.A.W., No notice of change was published.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Kerry Krantz at E-mail [Kerry.krantz@fldfs.com](mailto:Kerry.krantz@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-138.001 NAIC Financial Condition Examiners Handbook Adopted.

(1)(a) The National Association of Insurance Commissioners Financial Condition Examiners Handbook (2006) is hereby adopted and incorporated by reference.

(b) The National Association of Insurance Commissioners Financial Condition Examiners Handbook 2007 is hereby adopted and incorporated by reference.

(2) through (3) No change.

Specific Authority 624.308(1), 624.316(1)(c) FS. Law Implemented 624.316(1)(c) FS. History—New 3-30-92, Amended 4-9-97, 4-4-99, 11-30-99, 2-11-01, 12-25-01, 8-18-02, 7-27-03, Formerly 4-138.001, Amended 1-6-05, 9-15-05, 1-25-07, \_\_\_\_\_.

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.

The **Financial Services Commission** announces a public hearing to which all persons are invited.

DATE AND TIME: January 15, 2008, 9:00 a.m., during a regular meeting of the Financial Services Commission.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

SUBJECT MATTER TO BE CONSIDERED: This is the Final Public Hearing on the adoption of proposed amendments to Rules 690-171.002, 690-171.008, Florida Administrative Code, published on September 21, 2007 in Vol. 33, No. 38, of the F.A.W. A notice of change was published on November 16, 2007 in Vol. 33, No. 46.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the contact person at least 5 calendar days before the program by contacting Belynda Shadoan at E-mail [Belynda.Shadoan@fldfs.com](mailto:Belynda.Shadoan@fldfs.com). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE FULL TEXT OF THE PROPOSED RULE IS:

690-171.002 General Reporting Requirements.

(1) Forms incorporated by reference in Division Number 690 these rules are available on the Office's website: <http://www.fldfs.com>.

(2) All filings shall be submitted electronically to <https://portal.fldfs.com>.

(3) All forms shall be filled out completely in accordance with their instructions. If an insurer is without any data required by these rules to be reported, it shall nevertheless complete and file the prescribed form or forms as directed in

~~the instructions associated with each form by writing "none" in the appropriate spaces, and file the form or forms with the Office in the prescribed manner.~~

~~(4)(a) Any insurer or insurer group which does not write at least 1/2 percent of the Florida market, based on written premiums, shall not be required to complete and submit to the Office the forms prescribed by Rule 69O-171.008, F.A.C. Instead of completing form OIR-308, "Calendar Year Experience" as adopted in Rule 69O-171.008, F.A.C., the insurer shall list each line of insurance that is less than 1/2 percent of the market and list the corresponding written premiums for each of these lines of insurance.~~

~~(b) In calculating the percentage of market, an insurer shall only use the figure for the preceding year's total premiums written in the state as compiled by the Office based upon the annual statements submitted by insurers.~~

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 627.915(5), 627.918(1) FS. History—New 1-16-83, Amended 7-1-85, Formerly 4-59.09, 4-59.009, Amended 6-4-92, 1-2-02, Formerly 4-171.002, Amended 9-15-05, \_\_\_\_\_.

69O-171.008 Insurer Experience Reporting – Calendar Year Experience.

(1) Any insurer authorized to transact fire, homeowner's, multiple peril, commercial multiple peril, medical malpractice, product liability, workers' compensation, private passenger automobile liability, commercial automobile liability, private passenger automobile physical damage, commercial automobile physical damage, directors' and officers', or other liability insurance shall report, for each such line of insurance, the information required by Section 627.915(2), F.S., Section 627.915(5), F.S., or required by rule, on Form OIR-D1-308 (Rev. 07/03), "Calendar Year Experience", data reporting form OIR-D0-308 (Revised 02/2007) "Florida Property and Casualty Insurance Calendar Year Experience" which is hereby incorporated by reference, ~~and is available and is to be completed and submitted on the Office's website: <http://www.fldfs.com/D14-308>.~~

(2) Reports for the preceding calendar year are due on or before April 1 of each year.

Specific Authority 624.308(1) FS. Law Implemented 624.307(1), 624.424(1)(c), 627.915(2), (5), 627.918(1) FS. History—New 1-16-83, Amended 7-1-85, Formerly 4-59.07, Amended 6-15-88, Formerly 4-59.007, 4-171.008, Amended 9-15-05, \_\_\_\_\_.

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.

**SECURE AIRPORTS FOR FLORIDA'S ECONOMY**

The **Secure Airports for Florida's Economy (SAFE)** Council announces a public meeting to which all persons are invited.

DATE AND TIME: January 11, 2008, 10:00 a.m.  
 PLACE: Boardroom, Center for Urban Transportation Research, 4202 E. Fowler Ave., CUT100, Tampa, FL 33620  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Conduct regular Council business and finalize the SAFE Annual Report.

A copy of the agenda may be obtained by contacting Rebecca Bosco at (813)974-9777.

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 Rebecca Bosco at (813)974-9777. 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.

**SOIL AND WATER CONSERVATION DISTRICTS**

The **Madison Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 17, 2007, 8:15 a.m.  
 PLACE: Conference Room, Madison Extension Office, 184 N. W. College Loop, Madison, FL 32340  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

Workshop for Supervisors and Employees.  
 Michelle Thatcher, Executive Director for AFCD, Instructor.  
 A copy of the agenda may be obtained by contacting Doris Newman at (850)973-6595.

The **Collier Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: December 20, 2007, 8:30 a.m.  
 PLACE: 14700 Immokalee Rd., Naples, FL 34120  
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Business meeting.

A copy of the agenda may be obtained by contacting: [www.collierswcd.org](http://www.collierswcd.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.

**FLORIDA PORTS COUNCIL**

The **Florida Seaport Transportation and Economic Development Council** announces a workshop to which all persons are invited.

**DATES AND TIMES:** December 17, 2007, 1:00 p.m. – 5:00 p.m.; December 18, 2007, 9:00 a.m. – 12:00 Noon

**PLACE:** Doubletree Hotel, 101 S. Adams Street, Tallahassee, FL 32301

**GENERAL SUBJECT MATTER TO BE CONSIDERED:** Florida Seaport Transportation and Economic Development Council Agency Partner Workshop on Strategic Planning.

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 48 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.

**Section VII**

**Notices of Petitions and Dispositions Regarding Declaratory Statements**

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Department of Community Affairs has received the petition for declaratory statement from Emma Rogers, Wallis Lawson and Bettie R. Mitchell of Daytona Beach, Florida. The petition seeks the agency’s opinion as to whether the petitioners are entitled to or must be provided an opportunity for public participation with regard to a future land use map amendment to a particular parcel of land, and, if so, whether the agency will require the City of Daytona Beach, Florida to proceed with and complete the future land use map amendment for the parcel prior to issuing any development orders for the parcel. It has been assigned the number DCA07-DEC-274.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

NOTICE IS HEREBY GIVEN THAT the Department of Highway Safety and Motor Vehicles Office of General Counsel has declined to rule on the petition for declaratory statement filed by Capitol Publishing, through its representative, James A. Donato, President, on September 4, 2007. The following is a summary of the agency’s declination of the petition:

Petitioner does not qualify as a free newspaper of general circulation as set forth in Section 316.066(5)(b), (e), Florida Statutes, due to its status as an internet-based publication, the lack of legitimate media status as contemplated by the statute, and its history showing a purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes. The Petitioner may not immediately receive copies of crash reports.

A copy of the Order Declining of the Petition for Declaratory Statement may be obtained by contacting: Judson Chapman General Counsel Department of Highway Safety and Motor Vehicles, 2900 Apalachee Parkway, A-432, Tallahassee, FL 32399-0504.

**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 MANAGEMENT SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Management Services has received the petition for declaratory statement from the Leon County School Board. The petition seeks the agency’s opinion as to the applicability of Sections 121.091(13)(b)1. and 1012.01(2)(a)-(d), Florida Statutes, and Rule 60S-9.001, Florida Administrative Code, as it applies to the petitioner.

The Leon County School Board is unsure whether vocational and adult education teachers are eligible for DROP extension based on the above-referenced statutes and rule.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Elizabeth R. Stevens, Esq., Department of Management Services, 4050 Esplanade Way, Suite 160-L, Tallahassee, Florida 32399-0950.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**DEPARTMENT OF HEALTH**

NOTICE IS HEREBY GIVEN THAT the Petition for Declaratory Statement filed on behalf of Scott H. Plantz, M.D. has been withdrawn. The Notice of the Petition was published in Vol. 33, No. 43, of the October 26, 2007, F.A.W.

THE PERSON TO BE CONTACTED REGARDING THE PETITION IS: Larry McPherson, Jr., Executive Director, Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-0353.

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Stanley Whittaker, ARNP. The petition seeks the agency's opinion as to the applicability of Section 394.463 F.S., as it applies to the petitioner.

Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under Section 394.463 F.S., entitled "Involuntary Examination," whether it is within the scope of practice of a Florida Registered Nurse to sign the necessary forms which would lawfully allow to take place an involuntary examination of patients that are a threat to themselves or others. This petition will be considered by the Board Practice Committee at its meeting on February 6, 2008.

**DEPARTMENT OF FINANCIAL SERVICES**

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has issued an order disposing of the petition for declaratory statement filed by Michael J. Barnes, Petitioner, Petition for Declaratory Statement, Case #91645-07-FM on December 4, 2007. The following is a summary of the agency's disposition of the petition:

The Declaratory Statement concludes that with regard to the facts alleged in the Petition, the authority having jurisdiction is within his legal authority not to require parking signs on the access road because the units in question are already constructed. The Department is unable to answer the remainder of Petitioner's questions because the questions are based on facts not alleged in the Petition.

A COPY OF THE DECLARATORY STATEMENT MAY BE OBTAINED BY CONTACTING: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, FL 32399-0340, or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

NOTICE IS HEREBY GIVEN THAT the Department of Financial Services, Division of State Fire Marshal has received the petition for declaratory statement from John J. Cunningham, Fire Marshal City of Cape Canaveral, Petitioner, Case No. 83177. The petition seeks the agency's opinion as to the applicability of paragraph 69A-43.018(1)(c), F.A.C., and Section 509.215(a), F.S., as it applies to the petitioner.

Occupant wants to use the Fire Flight system for the secondary means of egress.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lesley Mendelson, Assistant General Counsel, 200 East Gaines Street, Tallahassee, Florida 32399-0340, (850)413-3604, or (850)413-4238, Fax (850)922-1235 or (850)488-0697 (please advise if you would like it mailed or faxed to you and please include your phone number on your request in case any question arises), or by e-mailing your request to [Lesley.Mendelson@fldfs.com](mailto:Lesley.Mendelson@fldfs.com).

**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:**

William R. Muldrow vs. Department of Community Affairs, Division of Housing and Florida Building Commission; Case No.: 07-4070RX; Rule No.: 9B-3.0475

National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-4614RX; Rule No.: 11C-6.004(3)(b)

William Lane vs. Department of Law Enforcement; Case No.: 07-4495RX; Rule Nos.: 11D-8.011, 11D-8.012, 11D-8.013, 11D-8.014

Lifepath Hospice and Palliative Care, Inc. vs. Department of Elder Affairs; Case No.: 07-3835RP; Rule No.: 58A-2.012(1)(b)



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Florida Hospices and Palliative Care, Inc. vs. Department of Elder Affairs; Case No.: 07-3836RP; Rule Nos.: 58A-2.012(1)(b), 58A-2.002, 58A-2.003, 58A-2.005, 58A-2.010, 58A-2.012, 58A-2.014, 58A-2.0232

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St. Anthony's Hospital, Inc., d/b/a St. Anthony's Hospital vs. Agency for Health Care Administration; Case No.: 07-5133RP; Rule No.: 59A-3.2085

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Martin Memorial Medical Center, Inc. vs. Agency for Health Care Administration; Case No.: 07-5193RP; Rule No.: 59A-3.2085

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Home Delivery Incontinent Supplies Co., Inc. vs. Agency for Health Care Administration; Case No.: 07-4167RP; Rule No.: 59G-4.070

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Ace Drug, Inc., d/b/a Hollywood Medical Supply vs. Agency for Health Care Administration; Case No.: 07-4168RP; Rule No.: 59G-4.070

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Professional Licensure Services, Inc., vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 07-4792RP; Rule Nos.: 61G4-15.005, 61G4-15.006, 61G4-12.011

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Professional Licensure Services, Inc., vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 07-5370RP; Rule Nos.: 61G4-15.005, 61G4-15.006, 61G4-12.011

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Palm Lake Mobile Home Park, Inc., and Miami Terrace Mobile Home Park, Inc., vs. Department of Environmental Protection; Case No.: 07-4420RX; Rule No.: 62-600.120

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Road Less Traveled, LLC, Anne B. Larussa; Steven and Annette McNutt; Norman and Debbie Koener; Tony and Bonnie Burton; Jonathon and Sheryl Kimmrling; Gordon and Isabelle Gsell; Randall and Florence Roberts; C.T. Fitzpatrick, III; Joseph W.; Et. AL. vs. Department of Environmental Protection; Case No.: 07-4767RX; Rule Nos.: 62B-33.002(18), (43), (60), 62B-33.005(1)(a), (1) & (2), 62B-33.0051(1)(a), (2)(c), 62B-33.0051(1)(a), (2)(d)

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Attorneys' Title Insurance Fund, Inc. vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 07-5387RP; Rule No.: 69O-186.003(1)(c)

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David Mitchell and Preston Wyatt vs. Agency for Health Care Administration; Case No.: 07-3789RU

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George Marshall Smith vs. Alex Sink, as Agency head and Chief Financial Officer and Department of Financial Services; Case No.: 07-4746RU

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Thomas R. Filippi vs. Department of Education; Case No.: 07-4783RU

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National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-4898RU

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Dairyland Insurance Company vs. Financial Services Commission and Office of Insurance Regulation; Case No.: 07-5016RU

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Carrie Johnson, as lawful Custodian and Next Friend of Minor Child Jevon Evans vs. Department of Children and Family Services; Case No.: 07-5066RU

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William R. Muldrow vs. Department of Community Affairs, Division of Housing and Community Development and the Florida Building Commission; Case No.: 07-5126RU

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Florida Roofing, Sheet Metal and Air Conditioning Contractors Association, Inc. vs. Department of Community Affairs, Division of Housing and Community Development and the Florida Building Commission; Case No.: 07-5157RU

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Bradley Wayne Kline vs. Department of Financial Services; Case No.: 07-5243RU

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**Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:**

National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-4614RX; Rule No.: 11C-6.004(3)(b); Dismissed

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Laserderm Medspa vs. Board of Medicine and Electrolysis Council; Case No.: 07-3611RX; Rule Nos.: 64B8-56.002(2)(a), 64B8-52.004, 64B8-50.0095; Dismissed

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Attorneys' Title Insurance Fund, Inc. vs. Financial Services Commission, Office of Insurance Regulation; Case No.: 07-3631RP; Rule No.: 69O-186.003(1)(c); Voluntarily Dismissed

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National Foundation to Prevent Child Sexual Abuse, Inc. vs. Department of Law Enforcement; Case No.: 07-4898RU; Dismissed

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Florida Concrete Pipe Institute, Inc. vs. Department of Transportation; Plastic Pipe Institute, Inc. and Florida Transportation Builders' Association, Inc. (Intervenors) Plastic Pipe Institute, Inc. vs. Department of Transportation; Case Nos.: 05-2608RU, 05-3781RU; Voluntarily Dismissed

Florida Association of Rehabilitation Facilities, Inc. vs. Department of Children and Family Services and Agency for Health Care Administration; Case No.: 04-0217RU; Voluntarily Dismissed

Association for Retarded Citizens of Florida, Inc. vs. Department of Children and Family Services and Agency for Health Care Administration; Case No.: 04-0259RU; Voluntarily Dismissed

**Section IX**  
**Notices of Petitions and Dispositions**  
**Regarding Non-rule Policy Challenges**

**NONE**

**Section X**  
**Announcements and Objection Reports of**  
**the Joint Administrative Procedures**  
**Committee**

**NONE**

**Section XI**  
**Notices Regarding Bids, Proposals and**  
**Purchasing**

**DEPARTMENT OF EDUCATION**

Notice of Bid/Request for Proposal

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-252, W/O 1005582, Physics Building Supply/Exhaust Valve Remediation, estimated budget: \$650,000, to be opened January 22, 2008, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Remediation of all supply, exhaust and fume exhaust air valves, control devices, electrical work, and ductwork in the Physics Building No. 92 required in accordance with the contract documents. Additionally, furnish all materials and labor to control and balance 194 air control valves. Mandatory Pre-Bid Meeting will be held January 8, 2008 at 11:00 a.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Specifications and Plans are available in

Purchasing and Disbursement Services, Elmore Hall, Radio Road, Gainesville, FL 32611. Questions should be directed to Karen Olitsky, Purchasing and Disbursement Services, kolitsk@ufl.edu or (352)392-1331. For more information visit www.purchasing.ufl.edu. AMERICANS WITH DISABILITY ACT OF 1991 – If special accommodations are needed in order to attend the Pre-Bid Meeting or the Bid opening, contact Purchasing, purchasing@ufl.edu or (352)392-1331, within three (3) days of the event.

**NOTICE TO CONSTRUCTION MANAGERS**

The University of Florida Board of Trustees announces that CM-At-Risk services will be required for the project listed below:

Project No.: UAA-19

Project Name and Location: Golf Course Club House Renovation, Gainesville, Florida.

The project consists of the renovation of Golf Course Club House at the University of Florida Golf Course, which includes renovation of the existing offices, locker rooms, athletic shop, and upgrade of the MEP systems. The estimated construction cost is \$1,200,000.00.

Silver LEED (Leadership in Energy and Environmental Design) certification by the U.S. Green Building Council is mandatory.

The contract for construction management services will consist of two phases, providing the GMP based on the conformance set document that are completed by the selected A/E firm for this project, included in the GMP are analysis of the design documents for constructability, coordination, detailing, materials, and systems; development and maintenance of the construction schedule; production of detailed jobsite management plans; development of strategies for the procurement of trade contracts; and development of a Guaranteed Maximum. If the GMP proposal is accepted and executed, the construction phase will be implemented. In this phase, the construction manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for phase one of the contract, or failure to arrive at an acceptable GMP budget within the time provided in the agreement may result in the termination of the construction manager's contract.

Applicants will be evaluated on the basis of their past performance, experience; personnel, references, bonding capacity, workload, and responses to questions posed both in the shortlist and interview phases. The Selection Committee may reject all proposals and stop the selection process at any time.

At the time of application, the applicant must be licensed to practice as a general contractor in the State of Florida and, if the applicant is a corporation, must be chartered by the Florida Department of State to operate in Florida.

Applicants desiring to provide construction management services for the project shall submit a proposal only after thoroughly reviewing the facilities program, Project Fact Sheet, and other background information. The proposal shall be limited to 40 single-sided, consecutively-numbered pages and shall include:

1. A Letter of Application that concisely illustrates the applicant's understanding of the scope of services, schedule, and other goals and considerations as outlined in the Project Fact Sheet and facilities program.
2. Company information and signed certification.
3. A completed, project-specific "CM Qualifications Supplement" (CMQS) proposal. Applications on any other form will not be considered.
4. Resumes, LEED accreditation, and other pertinent credentials for all proposed staff.
5. Proof of the applicant's corporate status in Florida (if applicable) and a copy of the applicant's current contracting license from the appropriate governing board.
6. Proof of applicant's bonding capacity.

As required by Section 287.133, Florida Statutes, an applicant may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected construction manager must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$15,000.00 in connection with this project for a period of 36 months from the date of their being placed on the convicted vendor list.

Unsigned proposals or proposals containing expired or invalid licenses will be disqualified. Submittal materials will not be returned.

The project-specific CMQS forms, instructions, Project Fact Sheet, facilities program, UF Design Services Guide, UF Design and Construction Standards, UF General Terms and Conditions, standard University of Florida Owner-CM agreement, and other project and process information can be found on the Facilities Planning and Construction website.

Finalists may be provided with supplemental interview requirements and criteria as needed.

Provide six copies of proposals. Submittals must be received in the Facilities Planning and Construction office by 3:00 p.m. (Local Time), on Friday, January 11, 2007. Facsimile (FAX) submittals are not acceptable and will not be considered.

Facilities Planning and Construction  
232 Stadium / P. O. Box 115050  
Gainesville, FL 32611-5050  
Telephone: 352-392-1256; Fax: 352-392-6378  
Internet: [www.facilities.ufl.edu](http://www.facilities.ufl.edu)

#### PUBLIC ANNOUNCEMENT FOR MECHANICAL AND PLUMBING CONSTRUCTION MANAGEMENT SERVICES FOR A CONTINUING CONTRACT

The Florida School for the Deaf and the Blind (FSDB) requests qualifications from Mechanical and Plumbing Construction Management firms to provide construction management services for a continuing contract. The firm selected under this contract will be responsible for assigned facility projects in which construction costs do not exceed \$1,000,000. This contract will have an initial period of one year with the option to renew for four additional one-year periods.

Selection of finalists for interview will be made on the basis of construction manager qualifications including experience and ability, financial capability, administrative ability/office staff, scheduling expertise, cost estimating and cost control ability, on-site staff, information systems, and distance to site. Firms must be properly licensed in the State of Florida at the time of submittal. The selection will be made in accordance with Section 287.055, F.S.

#### INSTRUCTIONS

Firms interested in being considered for this Continuing Contract must submit four (4) copies of their submittals with a table of contents and tabbed sections in the following order:

1. A letter of interest detailing the firm's qualifications to meet the above referenced selection criteria.
2. A current Experience Questionnaire and Contractor's Financial Statement, Form DBC5085 dated 3/00.
3. Resumes of proposed staff and staff organizations.
4. Any examples of project reporting manuals, schedules, past experience and examples of similar projects completed by the firm.
5. References from prior clients received within the last five years.
6. Copies of the firm's current Florida Professional Registration License.
7. For Corporations only: If the firm offering services is as corporation, it must be properly registered with the Department of State to operate in Florida and must provide a copy of the firm's current Florida Corporate Registration.

Submittals must be received no later than 3:00 p.m. (Local Time), January 15, 2008, and should be mailed or delivered to the Florida School for the Deaf and the Blind, Attn: Mr. John Connor, Purchasing Director, 207 N. San Marco Ave., Building #28, St. Augustine, FL 32084-2799. Facsimile (FAX) submittals are not acceptable and will not be considered. Applicants will be short-listed on January 22, 2008. Interviews will be conducted with the short-listed firms. A final selection will be made after the interviews have taken place. The selected firm will be given official notice of selection results by Fax and or mail.

The results of the short-list and final selection will be posted at FSDB, 207 N. San Marco Ave., Building #28, St. Augustine, FL and may be viewed during regular working days between the hours of 7:00 a.m. and 4:00 p.m. beginning 24 hours after the selection. Final selection results will also be posted in the F.A.W. Applications that do not comply with these instructions or those that do not include the requested data may not be considered. All information received will be maintained with the project file and will not be returned. Any protests of the selection must be made within 72 hours of the posting. Failure to file a protest within 72 hours (not including Saturday, Sunday, or a legal holiday) after posting shall constitute a waiver of proceedings under Chapter 120, F.S.

**PUBLIC ANNOUNCEMENT OF A/E SELECTION RESULTS**

The Florida School for the Deaf and the Blind announces its intention to negotiate, in accordance with the Consultants Competitive Negotiation Act, for the following:

PROJECT NUMBER: FSDB-20080001

PROJECT NAME: Bryant Hall Renovation

1. Smith McCrary Architects
2. Akel Logan Shafer Architects
3. Rink Design Partnership

**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 MANAGEMENT SERVICES**

**NOTICE TO PROFESSIONAL CONSULTANTS FOR MECHANICAL/ELECTRICAL ENGINEERING FIRMS TO PROVIDE COMMISSIONING SERVICE FOR CONTINUING CONTRACTS STATEWIDE**

The State of Florida, Department of Management Services, Division of Real Estate Development and Management requests qualifications from Mechanical/Electrical Engineering Firms to provide statewide Commissioning Services in the State of Florida.

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/owa\\_vbs/owa/vbs\\_www.main\\_menu](http://fcn.state.fl.us/owa_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 INVITATION TO BID  
BID NO. BDC 43-07/08**

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Marjorie Harris Carr Cross Florida Greenway (Inglis Lock, Bypass Canal Access Road and Inglis Dam) – Paving and Associated Work

SCOPE OF WORK: The contractor shall provide all labor, materials, equipment and supervision for the roadway resurfacing, roadway realignment and paving at the Inglis Lock and Bypass Canal Access Road in Levy County. Alternate 1 includes resurfacing of southside asphalt road and parking areas at the Inglis Dam, Citrus County, off Riverwood Drive.

PARK LOCATION: Inglis Lock, 4 miles east of the Town of Inglis on Highway 40. Address: 20751 S. E. 90th Avenue, Inglis, Florida

PROJECT MANAGER: Jim Wolfe, Office of Greenways and Trails, 3900 Commonwealth Blvd., MS 795, Tallahassee, Florida 32399-2400, Telephone Number: (850)245-2052

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 bid 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, email or calling the telephone number below. Plans and specifications will be available on December 14, 2007, at: 3900 Commonwealth Blvd., Tallahassee, Florida 32399-2400, Attention: Jim Wolfe, Telephone Number: (850)245-2052, email: [Jim.D.Wolfe@dep.state.fl.us](mailto:Jim.D.Wolfe@dep.state.fl.us)

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and

Construction at (850)488-5372 at least five (5) workdays prior to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

**BID SUBMITTAL DUE DATE:** No later than 3:30 p.m., Tuesday, January 15, 2008, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309, Attention Michael Renard, Construction Projects Administrator, Bureau of Design and Construction, (850)488-5372. The Department reserves the right to reject any or all bids.

**BID POSTING DATE:** No later than 2:00 p.m., Friday, January 18, 2008, unless extended by the Department for good cause.

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### **FLORIDA HOUSING FINANCE CORPORATION**

#### Request for Proposals 2007-09 – Auditing Services

The Florida Housing Finance Corporation invites all qualified entities wishing to provide auditing services for and on behalf of Florida Housing Finance Corporation to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m. (Eastern Time), Friday, January 25, 2008, to the attention of Robin L. Grantham, Contracts Administrator, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329. For questions or additional information, please contact Robin Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and offeror's responsibilities, please submit your request to the attention of Robin L. Grantham, or you can download the Request for Proposals from the Florida Housing Finance Corporation web site at <http://www.floridahousing.org/Home/BusinessLegal/Solicitations/RequestForProposals.htm>.

Any modifications that occur to the Request for Proposals will be posted at the web site and may result in an extension of the deadline.

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### **DESOTO COUNTY COMMUNITY SERVICES DEPARTMENT**

#### REQUEST FOR LETTERS OF INTEREST AND QUALIFICATIONS FOR DESOTO COUNTY COMMUNITY TRANSPORTATION COORDINATOR

The DeSoto County Board of County Commissioners, as the Designated Official Planning Agency, is seeking Letters of Interest from qualified agencies or firms interested in coordinating transportation services for the transportation disadvantaged in DeSoto County, Florida. The selected contractor will be designated as the Community Transportation Coordinator for the Transportation Disadvantaged program, as authorized by Chapter 427, Florida Statutes, and more fully described in Rule 41-2, Florida Administrative Code.

The Community Transportation Coordinator is defined by Chapter 427, Florida Statutes, as a transportation entity recommended by the appropriate designated official planning agency to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The Community Transportation Coordinator has full responsibility for the delivery of transportation services for the transportation disadvantaged as outlined in Section 427.015(2), Florida Statutes.

Interested providers are required to provide capabilities in the areas of experience with mass transit, Americans with Disabilities paratransit services, operations of coordinated services and eligibility-based ridership transportation services. Selection of potential providers will be based on a ranking of their expertise, overall capabilities, recent experience in similar programs and proposed methods of achieving cost-effective services. Letters of interest and qualifications should be limited to a maximum of eight (8) pages.

Potential providers should submit a copy of their expression of interest in a sealed envelope to: Community Services Department, 201 E. Oak Street, Suite 202, Arcadia, Florida 34266. Letters and envelopes must be marked, "LETTER OF INTEREST FOR DESOTO COUNTY COMMUNITY TRANSPORTATION COORDINATOR." Letters of interest must be received by 3:00 p.m., December 26, 2007. Questions should be addressed to: Paul Erickson.

Faxed or e-mailed letters of interest will not be accepted. Late letters will be returned unopened. Only responses to the request for letters of interest will be considered if a request for proposals is issued for the Community Transportation Coordinator. The DeSoto County Board of County Commissioners, as the Designated Official Planning Agency, reserves the right to accept or reject any and all responses in the best interest of the State.

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### **SARASOTA MEMORIAL HOSPITAL**

#### ANNOUNCEMENT OF INTENT

#### Request for Qualification Statements for ARCHITECTURAL AND ENGINEERING PROFESSIONAL SERVICES

#### for the Continuing Services Contracts

The Sarasota County Public Hospital Board of Sarasota County, Florida is accepting statements of qualifications from Architectural/Engineering Consulting Firms under the provisions of the Consultants' Competitive Negotiation Act, Section 287.055, Florida Statutes, for the Sarasota Memorial Hospital continuing services list of pre-qualified design firms. The scope of work may include programming, schematic design, design development, construction documents, and construction administration for architectural, mechanical,

electrical, structural and site design work for construction of health care, ambulatory service care, and medical office building projects.

Firms qualified to submit include Architectural/Engineering firms or an association of firms under the direction of the Architect. Services required may include architectural, mechanical, electrical, structural, landscape and civil design and engineering. Firms interested in being considered as candidates are required to submit five bound submittals of qualifications that include at least the following data, to be organized in the following order:

1. A copy of Florida Professional and Corporate Registration certificates.
2. Completed GSA Standard Forms 254 and 255.
3. Proof of General and Professional Liability Insurability.
4. A separate statement as to whether the firm is a certified Small and/or Minority Business Enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.
5. Examples of successful AHCA health care, ambulatory service centers, and medical office building projects, as well as current projects in progress related specifically to AHCA health care, ambulatory service centers, and medical office buildings.
6. Information related to the qualifications of various personnel who will be utilized on Sarasota Memorial Healthcare System projects.
7. Any additional information to be included at the discretion of the submitting firm.

Comments:

1. The Hospital reserves the right to reject any or all qualification statements.
2. Considerations in the selection of candidates include: the firm's historic and recent related design experience, Current healthcare projects in progress, location and ability to respond rapidly, AHCA experience, and qualifications of personnel. The hospital reserves the right to request additional information beyond the data set forth above.
3. Successful respondents will be placed in categories deemed appropriate for the firm's staff resource capabilities, project specific experience.
4. No submittals will be accepted by fax or email or beyond the specified date and time.
5. Respondents, their agents and associates, shall not contact or solicit any Hospital Board member, or Hospital employee regarding this RFQ during the RFQ process. Only the individual listed as the contact person in the RFQ shall be contacted. Failure to comply with this provision may result in the disqualification of the respondent at the discretion of the Hospital.

6. Questions regarding submissions shall be directed to Thomas Perigo, Director of Architecture and Facility Planning at (941)917-2048.
7. Submissions shall be titled "Qualifications Statement for Continuing Services Contracts at Sarasota Memorial Hospital" and shall be submitted no later than 3:30 P.M., Wednesday January 30, 2008 to: Architecture and Facility Planning, 1700 South Tamiami Trail, Sarasota, FL 34239-3555, Attn: Tom Perigo, Director of Architecture and Facility Planning.

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#### **TREASURE COAST EDUCATION AND RESEARCH DEVELOPMENT AUTHORITY**

##### REQUEST FOR PROPOSAL #2007-001 CATTLE LEASE

The Treasure Coast Education, Research and Development Authority ("TCERDA") is accepting sealed proposals for the following: Cattle Lease for the real property described on Exhibit A attached hereto ("Lease").

All Requests For Proposals, one (1) original and four (4) copies, must be received at the address below in the TCERDA Office, no later than January 8, 2008, at which time all Requests For Proposals will be publicly opened and read. The TCERDA time stamp shall be conclusive as to the timeliness of receipt.

RFP documents may be obtained at the address below or by calling Richard A. Kennedy, Jr., Executive Director, TCERDA, at (772)467-3107. RFP documents will not be issued unless the request is received at least 24 hours prior to the opening of the RFP.

Evaluation Committee Meeting: Convening on January 8, 2008, 11:30 a.m., at the TCERDA office, 2199 South Rock Road, Fort Pierce, FL 34945.

All RFP documents are to be sealed when submitted and be delivered or mailed to:

Treasure Coast Education, Research Development Authority  
2199 South Rock Road  
Fort Pierce, FL 34945

Attn: Richard A. Kennedy, Jr., Executive Director

On the envelope(s) or box(es) containing the proposal shall be written in large letters:

"RFP #2007-001 for Cattle Lease" To Be Opened: January 8, 2008, at 11:30 p.m.

The TCERDA reserves the right to accept or reject any or all proposals, in whole or in part, with or without cause, to waive any informalities and technicalities, and to award the Lease on such coverage and terms it deems will best serve the interest of the TCERDA. Criteria utilized by the TCERDA for determining the most responsible proposer includes, but is not limited to, cost, whether the proposer meets the TCERDA published specifications, the proposer's experience, skill, ability, financial capacity, and any other factors which could

reasonably be asserted as being relevant to successful performance. Proposers should anticipate the TCERDA may negotiate some or all of the components of a proposal with one or more of the proposers in order to obtain the best value of services offered.

Treasure Coast Education, Research and  
Development Authority  
Richard Kennedy, Executive Director  
Publish: December 14, 2007  
Exhibit A

**LEGAL DESCRIPTION**

**DUNN PARCEL**

**Tract #1:**

The NW 1/4 of the NE 1/4 of Section 14, Township 35 South, Range 39 East, less the West 10 feet and less the North 53 feet and a parcel of land lying in the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, described as follows: From the 1/4 corner of the North line of said Section 14, run South 0E43'30" East along the 1/4 line a distance of 53.0 feet to a point on the South right of way line of Canal #46 of the North St. Lucie River Drainage District; then run North 89E49'55" East along said right of way line a distance of 10.0 feet to the point of beginning; thence continue North 89E49'55" East along said right of way line a distance of 70.84 feet; thence run South 10E14'55" West a distance of 366.35 feet to a point on the East right of way line of Coolidge Road, said point being 10 feet perpendicular distance from the 1/4 Section line; thence North 00E43'30" West along said East right of way line a distance of 394.5 feet to the point of beginning, St. Lucie County, Florida.

**Tract #2:**

The N.E. 1/4 of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, EXCEPTING therefrom rights of way for public roads and drainage canals, said land lying and being in St. Lucie County, Florida.

**Tract #3:**

The E 1/2 of the S.W. 1/4 of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, LESS the North 263 feet of the South 353 feet, AND the S.E. 1/4 of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, less the North 263 feet of the South 353 feet, and the SE 1/4 of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, less road and canal rights-of-way, containing 53.75 acres, more or less.

AND

N.W. 1/4 of the S.W. 1/4 of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East, LESS the West 10 feet for road right-of-way, containing 10.59 acres, more or less.

LESS AND EXCEPT:

A parcel of land located in Section 14, Township 35 South, Range 39 East, St. Lucie County, Florida; said parcel being more particularly described as follows:

The North 41' feet of the South 90' feet of the Southeast 1/4 of the Northeast 1/4 of said Section 14, Township 35 South, Range 39 East, St. Lucie County, Florida, less and except the East 104' feet for canal and road right of way.

AND ALSO LESS AND EXCEPT:

A parcel of and located in Section 14, Township 35 South, Range 39 East, St. Lucie County, Florida; said parcel being more particularly described as follows:

Commence at the Southeast corner of the N.E. 1/4 of Section 14, Township 35 South, Range 39 East; thence S 89E44'25" W along the south line of the Northeast 1/4 a distance of 580.06' feet; thence N 00E15'34" W a distance of 90.00' feet to the Point of Beginning; thence S 89E44'25" W a distance of 200.00' feet; thence N 00E15'34" W a distance of 315.00' feet; thence N 89E44'25" E a distance of 200.00' feet; thence S 00E15'34" E a distance of 315.00' feet to the Point of Beginning.

AND ALSO LESS AND EXCEPT:

The North 189.44 feet of the South 542.44 feet of the East 1/2 of the Southwest 1/4 of the Northeast 1/4 lying and being in Section 14, Township 35 South, Range 39 East, St. Lucie County, Florida.

**Section XII  
Miscellaneous**

**DEPARTMENT OF STATE**

**GUIDELINES AND APPLICATIONS AVAILABLE FOR  
LIBRARY SERVICES AND TECHNOLOGY ACT AND  
PUBLIC LIBRARY CONSTRUCTION**

Grant applications and guidelines are available for the following programs administered by the Florida Department of State, State Library and Archives of Florida:

Library Services and Technology Act Grants – Applications due March 15, 2008. Federal grants for all types of libraries that emphasize youth, literacy, older adults, and information access through technology.

Public Library Construction Grants – Applications due April 1, 2008. State grants to eligible governments for remodeling, expansion, or new construction of public library buildings.

Guidelines and forms are available on the State Library and Archive of Florida's Web site at <http://dlis.dos.state.fl.us/bld/grants/index.htm>. Grant guidelines and forms may also be requested by mail from the Grants Office, State Library and Archives of Florida, 500 South Bronough Street, Tallahassee, FL 32399-0250, by phone at (850)245-6631 or Suncom 205-6631, or by Fax at (850)245-6643.

Completed applications must be mailed to the address indicated above, and be on file with the State Library and Archives of Florida or postmarked on or before the application due date.

**DEPARTMENT OF COMMUNITY AFFAIRS**

NOTICE IS HEREBY GIVEN THAT the Division of Community Planning, Department of Community Affairs, received the following petitions for binding letters of Development of Regional Impact, Vested Rights and Modification Determinations, pursuant to Section 380.06(4)(a), Florida Statutes.

FILE NO.: BLIM-05-2007-015  
 DATE RECEIVED: December 4, 2007  
 DEVELOPMENT NAME: TUSCANY PRESERVE (POINCIANA)  
 DEVELOPER/AGENT: Tuscany Preserve Development, Inc./RWA Consulting  
 DEVELOPMENT TYPE: 28-24.023, F.A.C.  
 LOCAL GOVERNMENT: Polk County

**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:

Geraci Field, a private airport, in Pasco County, at Latitude 28° 10' 30" and Longitude 82° 29' 16", to be owned and operated by Mr. Roy Geraci, P. O. Box 510, Lutz, FL 33548.

A copy of the Airport Site Approval Order, the Airport's application, the applicable rules, and other pertinent information may be obtained by contacting: Mr. William J. Ashbaker, P.E., State Aviation Manager, Florida Department of Transportation, Aviation Office, 605 Suwannee Street, Mail Station 46, Tallahassee, Florida 32399-0450, (850)414-4500, aviation.fdot@dot.state.fl.us. Website: <http://www.dot.state.fl.us/aviation>.

ADMINISTRATIVE HEARING RIGHTS: Any person whose substantial interests will be determined or affected by this Airport Site Approval Order has the right, pursuant to Section 120.57, Florida Statutes, to petition for an administrative hearing. The petition for an administrative hearing must conform to the requirements of Rule Chapter 28-106, Florida Administrative Code, and must be filed, in writing, within twenty-one days of the publication of this notice, with the Clerk of Agency Proceedings, Office of General Counsel, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Room 550, Tallahassee, Florida 32399-0450.

Failure to file a petition within the allowed time constitutes a waiver of any right such person has to request a hearing under Chapter 120, Florida Statutes.

**DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES**

Notice of Publication for the Relocation of a Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chrysler Motors, LLC, intends to allow the relocation of Caruso Chrysler Jeep, Inc., as a dealership for the sale of Chrysler motor vehicles from its present location at 1750 Southside Boulevard, Jacksonville, Florida 32216, to a proposed location at 10979 Atlantic Boulevard, Jacksonville (Duval County), Florida 32225, on or after January 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caruso Chrysler Jeep, Inc. are dealer operator(s): John E. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225 and John M. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225; principal investor(s): John E. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225 and John M. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225. The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Dave Englen, Jr., Chrysler Motors, LLC, 1000 Chrysler Drive, Auburn Hills, Michigan 48326.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.



Notice of Publication for the Relocation of a  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chrysler Motors, LLC, intends to allow the relocation of Caruso Chrysler Jeep, Inc., as a dealership for the sale of Jeep motor vehicles from its present location at 1750 Southside Boulevard, Jacksonville, Florida 32216, to a proposed location at 10979 Atlantic Boulevard, Jacksonville (Duval County), Florida 32225, on or after January 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Caruso Chrysler Jeep, Inc. are dealer operator(s): John E. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225 and John M. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225; principal investor(s): John E. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225 and John M. Caruso, 10979 Atlantic Boulevard, Jacksonville, Florida 32225. The notice indicates intent to relocate the franchise in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

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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: Dave Englen, Jr., Chrysler Motors, LLC, 1000 Chrysler Drive, Auburn Hills, Michigan 48326.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the relocation of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Diablo Performance, LLC, intends to allow the establishment of Jacob Financing Auto Sales, Inc., as a dealership for the sale of Diablo motorcycles (DIBL) at 2662 Overland Road, Suite A, Apopka (Orange County), Florida 32703, on or after November 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Jacob Financing Auto Sales, Inc. are dealer operator(s): Victoria Rivera, 2662 Overland Road, Suite A, Apopka, Florida 32703; principal investor(s): Jose Nunez, 2662 Overland Road, Suite A, Apopka, Florida 32703.

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: Mark L. Evans, Diablo Performance, LLC, 1202 West Central Boulevard, Suite A-C, Orlando, Florida 32805.

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 Richland Auto Mall, Inc., intends to allow the establishment of Richland Auto Mall, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry (CHOL) at 9429 Old Lakeland Highway, Dade City (Pasco County), Florida 33525, on or after October 30, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Richland Auto Mall, Inc. are dealer operator(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525; principal investor(s): Stephen E. Hussey, 9429 Old Lakeland Highway, Dade City, Florida 33525.

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: Stephen E. Hussey, Richland Auto Mall, Inc., 9429 Old Lakeland Highway, Dade City, Florida 33525.

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 Genuine Scooters, LLC, intends to allow the establishment of Solano Cycle, Inc., as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1024A South Main Street, Gainesville (Alachua County), Florida 32608, on or after November 16, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Solano Cycle, Inc. are dealer operator(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084; principal investor(s): Martin Solano, 32 San Marco Avenue, St. Augustine, Florida 32084.

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: Jim Kolbe, Genuine Scooters, LLC, 5400 North Damen Avenue, Chicago, Illinois 60625.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Universal Motors of Clearwater, Inc., as a dealership for the sale of Piaggio motorcycles (PIAG) at 614 South Missouri Avenue, Clearwater (Pinellas County), Florida 33756, on or after November 27, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Universal Motors of Clearwater, Inc. are dealer operator(s): Peter Nichols, 614 South Missouri Avenue, Clearwater, Florida 33756; principal investor(s): Peter Nichols, 614 South Missouri Avenue, Clearwater, Florida 33756.

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, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Piaggio Group Americas, Inc., intends to allow the establishment of Universal Motors of Clearwater, Inc., as a dealership for the sale of Vespa motorcycles (VESP) at 614 South Missouri Avenue, Clearwater (Pinellas County), Florida 33756, on or after November 27, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Universal Motors of Clearwater, Inc. are dealer operator(s): Peter Nichols, 614 South Missouri Avenue, Clearwater, Florida 33756; principal investor(s): Peter Nichols, 614 South Missouri Avenue, Clearwater, Florida 33756.

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, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Angellina Fraser-Lubin, Piaggio Group Americas, Inc., 140 East 45th Street, 17th Floor, New York, New York 10017.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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Notice of Publication for a New Point  
Franchise Motor Vehicle Dealer in a County of More  
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chuanl Motorcycle USA Co. Ltd., intends to allow the establishment of USA Wholesale Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Chuanl Motorcycle USA Co. Ltd. (CHUA) at 4720 North Federal Highway, Fort Lauderdale (Broward County), Florida 33308, on or after November 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of USA Wholesale Scooters, Inc. are dealer operator(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304; principal investor(s): Noel Farbman, 2902 East Sunrise Boulevard, Fort Lauderdale, Florida 33304.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, 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: Lingbin Chen, President, Chuanl Motorcycle USA Co. Ltd., 9886 Chartwell Drive, Dallas, Texas 75243.

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."

**PUBLIC SERVICE COMMISSION**

DOCKET NO. AND TITLE: Docket Number 070650-EI – Petition to determine need for Turkey Point Nuclear Units 6 and 7 electrical power plant, by Florida Power & Light Company.

The FLORIDA PUBLIC SERVICE COMMISSION announces a service hearing, prehearing conference, and a hearing in the following docket to which all persons are invited.

**SERVICE HEARING**

DATE AND TIME: Thursday, January 10, 2008, 10:00 a.m.  
 PLACE: Sheraton Miami Mart Hotel, 711 N. W. 72nd Avenue, Miami, FL 33126

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this service hearing is to permit members of the public who are not parties to the need determination proceeding an opportunity to present testimony regarding the need for the proposed plants. The procedure at these hearings shall be as follows: The Company will present a brief summary of its case and then members of the public may present testimony. Members of the public who wish to present testimony are urged to appear promptly at each scheduled hearing time since the hearing may be adjourned early if no witnesses are present to testify. By providing public testimony, a person does not become a party to the proceeding. To

become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross examination at the conclusion of their testimony.

**PREHEARING CONFERENCE**

DATE AND TIME: Monday, January 14, 2008, 1:30 p.m.  
 PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

**HEARING**

DATE AND TIME: 9:30 a.m., Wednesday – Friday, January 30 – February 1, 2008  
 PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for Florida Power & Light Company's (FPL) proposed electrical power plants to be constructed in Dade County, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow FPL to present evidence and testimony in support of its petition for a determination of need for its proposed electrical power plants; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on Wednesday, January 30, 2008. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for

Intervention at least five days before the final hearing, pursuant to the requirements contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code. Only issues relating to the need for the electrical power plants will be heard at the January 30 – February 1, 2008, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed power plants, as required by the “Power Plant Siting Act,” Sections 403.501-.519, Florida Statutes.

Any person requiring some accommodation at this meeting because of a physical impairment is asked to advise the agency at least 48 hours before the meeting by contacting: Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or at (850)413-6770. If you are hearing or speech impaired, please contact the Agency using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice). For more information, you may contact: Florida Public Service Commission, Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

For more information, you may contact: Florida Public Service Commission, Office of the Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Emergency Cancellation of Customer Meeting – If a named storm or other disaster requires cancellation of the meeting, Commission staff will attempt to give timely direct notice to the parties. Notice of cancellation of the meeting will also be provided on the Commission’s website <http://www.psc.state.fl.us/> under the Hot Topics link found on the home page. Cancellation can also be confirmed by calling the Office of the General Counsel at (850)413-6199.

NOTICE IS HEREBY GIVEN THAT on November 28, 2007, the Florida Public Service Commission received a Notice of Withdrawal of the Petition for DOCKET NO. 070304-EI from Florida Public Utilities (FPUC) seeking a waiver of portions of Rule 25-6.043, Florida Administrative Code, filed August 10, 2007. The rule provides Minimum Filing Requirements (MFRs) for information that utilities subject to the Commission's rate regulation must provide when they submit petitions to the Commission for rate relief. FPUC requested

waivers of Schedules C-37 through C-41, so that the schedules will reflect a comparison of actual expenses to a calculated expense expanded by the Consumer Price Index through the historic year 2006 rather than through the projected 2008 test year. The initial petition for rule waiver was published in the September 14, 2007 F.A.W.

For more information, please contact Martha Carter Brown, Office of the General Counsel at (850)413-6187.

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#### LAND AND WATER ADJUDICATORY COMMISSION

On October 24, 2007, the Florida Land and Water Adjudicatory Commission (the “Commission”) received a Petition to adopt an amendment to Rule Chapter 42AAA-1, F.A.C., to amend the boundary of the Palm Coast Park Community Development District (the “District”) pursuant to Chapter 190, F.S. Petitioner asserts a copy of the Petition was filed with the City of Palm Coast and Flagler County. The Commission will follow the requirements of Chapter 190, F.S., and Chapter 42-1, F.A.C., in ruling on this Petition.

SUMMARY OF CONTENTS OF PETITION: The Petition was filed by the Palm Coast Park Community Development District with its registered office located at 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137. The Petition proposes to modify the land area presently serviced by the District by amending its boundary to contract approximately 59 acres from the District located entirely within the City of Palm Coast and Flagler County, Florida. The District currently covers approximately 4,778 acres of land and after amendment the District will encompass approximately 4,719 acres. Petitioner has obtained written consent to amend the boundaries of the District from the owners of 100% of the real property comprising the contraction parcel. Petitioner asserts that, “consent by the Board of Supervisors of the District to amendment serves as consent by the existing landowners of real property remaining in the District, by law pursuant to Section 190.046(1)(e), Florida Statutes. This consent is evidenced by this petition.”

SUMMARY OF THE 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 “5” 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,

current and future property owners of District lands, the state, the City of Palm Coast, and Flagler 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 transactional costs are nominal. Additionally, the SERC indicates that the landowner is funding the boundary amendment process so it is not a cost to 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 a negative impact on small counties and cities as defined in Section 120.52, F.S. Flagler County is not defined as a small county and the City of Palm Coast is not defined as a small city as set forth in Section 120.52, F.S. According to the SERC, certain data was provided by the developer/petitioner and represents the best information available at the time. Other data was based on observation, analysis and experience with private development and other community development districts in various stages of existence.

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

DATE AND TIME: Friday, January 4, 2008, 10:00 a.m.  
 PLACE: Palm Coast Holdings, Inc.  
 Second Floor Conference Room  
 One Corporate Drive  
 Palm Coast, Florida 32137

Any person requiring a special accommodation to participate in the hearing because of a disability should contact: James T. Wolverton, Chiumento and Guntharp, PA, 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137, (386)445-8900, at least two (2) business days in advance in order to provide sufficient opportunity to make appropriate arrangements.

COPIES OF THE PETITION MAY BE OBTAINED BY CONTACTING: James T. Wolverton, Chiumento and Guntharp, PA, 4 Old Kings Road North, Suite B, Palm Coast, Florida 32137, (386)445-8900; or Barbara Leighty, Executive Office of the Governor, The Capitol, Room 1801, Tallahassee, Florida 32399-0001, (850)487-1884.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

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

**NOTICE OF AVAILABILITY  
 Miami-Dade County, FLORIDA**

The Department of Environmental Protection has determined that Miami-Dade County's proposed project for the construction of high level disinfection facilities at the South District Wastewater Treatment Plant will not have a significant adverse impact on the environment. The total estimated construction cost is \$469,000,000. The project is expected to qualify for a State Revolving Fund loan composed of federal and state matching funds. A full copy of the Florida Categorical Exclusion Notice can be obtained by writing to: Bryan Goff, Bureau of Water Facilities Funding, Department of Environmental Protection, 2600 Blair Stone Road, MS #3505, Tallahassee, Florida 32399-2400 or by calling (850)245-8358.

**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://www.dep.state.fl.us/secretary/oip/state\\_clearing/](http://www.dep.state.fl.us/secretary/oip/state_clearing/). For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

**DEPARTMENT OF HEALTH**

On November 30, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Luis Garcia Higgins, P.A., license number PA 9101177. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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The following notice was inadvertently omitted from the Vol. 33., No. 47, November 21, 2001 publication of the F.A.W.

On November 14, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Kellie Elizabeth Piper, R.N., license number RN 2946842. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 30, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Shannon Marie Faulkner, L.P.N., license number PN 5154252. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to

Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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On November 30, 2007, Ana M. Viamonte Ros, M.D., M.P.H., State Surgeon General of the Department of Health, issued an Order of Emergency Suspension with the regard to the license of Pamela Sue Rivenbark, R.N., license number RN 9170578. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

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**DEPARTMENT OF FINANCIAL SERVICES**

**STATUTORY INTEREST RATES PURSUANT TO  
SECTION 55.03, FLORIDA STATUTES INTEREST RATE  
FOR YEAR 2008**

Section 55.03(1), Florida Statutes, requires the Chief Financial Officer, on December 1 of each year beginning in 1994, to set the rate of interest that shall be payable on judgments and decrees for the year beginning the following January 1.

Effective January 1, 2008, the interest rate established pursuant to Section 55.03, Florida Statutes, has been set at 11.0% per annum or .0003014 per day.

| <u>PRIOR YEAR RATES</u> |           |            |
|-------------------------|-----------|------------|
| YEAR                    | PER ANNUM | DAILY RATE |
| 2007                    | 11%       | .0003014   |
| 2006                    | 9%        | .0002466   |
| 2005                    | 7%        | .0001918   |
| 2004                    | 7%        | .0001918   |
| 2003                    | 6%        | .0001644   |
| 2002                    | 9%        | .0002466   |
| 2001                    | 11%       | .0003014   |
| 2000                    | 10%       | .0002740   |
| 1999                    | 10%       | .0002740   |
| 1998                    | 10%       | .0002740   |
| 1997                    | 10%       | .0002740   |
| 1996                    | 10%       | .0002740   |
| 1995                    | 8%        | .0002192   |
| 10/01/81 thru 12/31/94  | 12%       | .0003333   |

For additional information contact the Bureau of Accounting at (850)413-5511, Suncom 293-5511. The above information can be found on the Department of Financial Services' Website at [www.myfloridacfo.com/aadir/interest.htm](http://www.myfloridacfo.com/aadir/interest.htm).

**FINANCIAL SERVICES COMMISSION**

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., January 4, 2008):

Name and Address of Applicant: Holmes Washington Credit Union, Post Office Box 246, Bonifay, Florida 32425

Expansion Includes: Employee Group

Received: November 29, 2007



**Section XIII**  
**Index to Rules Filed During Preceding Week**

**RULES FILED BETWEEN November 26, 2007  
 and November 30, 2007**

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**DEPARTMENT OF REVENUE**

|          |          |          |       |  |
|----------|----------|----------|-------|--|
| 12-3.011 | 11/28/07 | 12/18/07 | 33/38 |  |
|----------|----------|----------|-------|--|

**Sales and Use Tax**

|            |          |          |       |  |
|------------|----------|----------|-------|--|
| 12A-1.0141 | 11/28/07 | 12/18/07 | 33/38 |  |
| 12A-19.070 | 11/30/07 | 12/20/07 | 33/32 |  |
| 12A-19.071 | 11/30/07 | 12/20/07 | 33/32 |  |
| 12A-19.100 | 11/30/07 | 12/20/07 | 33/32 |  |

**Miscellaneous Tax**

|            |          |          |       |  |
|------------|----------|----------|-------|--|
| 12B-7.0225 | 11/28/07 | 12/18/07 | 33/38 |  |
| 12B-8.0016 | 11/30/07 | 12/20/07 | 33/32 |  |

**STATE BOARD OF ADMINISTRATION**

**Florida Prepaid Postsecondary Education Expense Board**

|            |          |          |       |  |
|------------|----------|----------|-------|--|
| 19B-4.001  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-4.002  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-4.005  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-5.001  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-5.002  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-5.003  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-5.006  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-6.001  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-9.001  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-9.002  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-9.003  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-9.005  | 11/27/07 | 12/17/07 | 33/43 |  |
| 19B-11.001 | 11/27/07 | 12/17/07 | 33/43 |  |

**FLORIDA LAND AND WATER ADJUDICATORY COMMISSION**

**Julington Creek Plantation Community Development D**

|           |          |          |       |  |
|-----------|----------|----------|-------|--|
| 42T-1.002 | 11/30/07 | 12/20/07 | 33/35 |  |
|-----------|----------|----------|-------|--|

**DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

**Board of Architecture and Interior Design**

|             |          |          |       |  |
|-------------|----------|----------|-------|--|
| 61G1-11.013 | 11/26/07 | 12/16/07 | 33/43 |  |
|-------------|----------|----------|-------|--|

| Rule No. | File Date | Effective Date | Proposed Vol./No. | Amended Vol./No. |
|----------|-----------|----------------|-------------------|------------------|
|----------|-----------|----------------|-------------------|------------------|

**Board of Pilot Commissioners**

|              |          |          |       |  |
|--------------|----------|----------|-------|--|
| 61G14-19.001 | 11/26/07 | 12/16/07 | 33/42 |  |
|--------------|----------|----------|-------|--|

**Board of Professional Geologists**

|             |          |          |       |  |
|-------------|----------|----------|-------|--|
| 61G16-3.001 | 11/29/07 | 12/19/07 | 33/36 |  |
|-------------|----------|----------|-------|--|

**Board of Professional Surveyors and Mappers**

|              |          |          |       |  |
|--------------|----------|----------|-------|--|
| 61G17-7.0025 | 11/26/07 | 12/16/07 | 33/43 |  |
|--------------|----------|----------|-------|--|

**DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|            |          |          |       |  |
|------------|----------|----------|-------|--|
| 62-620.100 | 11/28/07 | 11/28/07 | 33/44 |  |
|------------|----------|----------|-------|--|

**DEPARTMENT OF HEALTH**

**Board of Clinical Laboratory Personnel**

|             |          |          |       |       |
|-------------|----------|----------|-------|-------|
| 64B3-5.0011 | 11/26/07 | 12/16/07 | 33/37 | 33/39 |
|-------------|----------|----------|-------|-------|

**DEPARTMENT OF FINANCIAL SERVICES**

**Finance**

|             |          |          |       |       |
|-------------|----------|----------|-------|-------|
| 69V-50.055  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-50.058  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-50.070  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-60.060  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-60.065  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-60.070  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-70.050  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-70.055  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-70.060  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-80.003  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-80.015  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-80.050  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-80.060  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-85.002  | 11/30/07 | 12/20/07 | 33/32 | 33/43 |
| 69V-85.003  | 11/30/07 | 12/20/07 | 33/32 | 33/43 |
| 69V-85.004  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-85.005  | 11/30/07 | 12/20/07 | 33/32 | 33/43 |
| 69V-85.200  | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-160.024 | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-160.030 | 11/30/07 | 12/20/07 | 33/32 | 33/43 |
| 69V-160.031 | 11/30/07 | 12/20/07 | 33/32 |       |
| 69V-160.032 | 11/30/07 | 12/20/07 | 33/32 |       |