

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF REVENUE

Sales and Use Tax

RULE NOS.:	RULE TITLES:
12A-1.002	Practitioners of the Healing Arts
12A-1.015	Industrial Gases
12A-1.020	Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances
12A-1.0205	Veterinary Sales and Services
12A-1.021	Prosthetic and Orthopedic Appliances
12A-1.097	Public Use Forms

PURPOSE AND EFFECT: The purpose of the proposed repeal of Rule 12A-1.002, F.A.C. (Practitioners of the Healing Arts), is to remove provisions that will be rendered unnecessary with the adoption of the proposed substantial rewording of Rule 12A-1.020, F.A.C., and the proposed creation of Rule 12A-1.0205, F.A.C. Provisions applicable to practitioners of the healing arts are included in those proposed rules.

The purpose of the proposed repeal of Rule 12A-1.015, F.A.C. (Industrial Gases), is to remove provisions regarding the application of tax to certain gases that are redundant of other administrative rules. Provisions for compressed medical gases and medical oxygen are included in the proposed amendments to Rule 12A-1.020, F.A.C.

The purpose of the proposed substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances), is to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and clarify the exemption for drugs, medicinal supplies, prosthetic and orthopedic appliances, and medical products, supplies, and devices. These rule amendments, when adopted, will provide: (1) a definition of the terms “licensed practitioner” and “prescription” for purposes of the rule”; (2) that hospitals and licensed practitioners are required to pay tax on taxable items or services consumed in providing medical services; (3) the exemption provided for prescription drugs and medical gases and opaque drugs; (4) the exemption provided for common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings and the taxability of cosmetics, toilet articles, and hygiene products; (5) that medical products and supplies are subject to tax, unless specifically exempt under Section 212.08(2), F.S.; (6) that medical products or supplies are exempt when dispensed

pursuant to a written prescription; (7) that medical products or supplies bearing the prescription labeling required under federal law are exempt when intended to be used one time only; (8) the exemption for medical products or supplies that are temporarily or permanently incorporated into a patient; (9) that medical trays bearing the federally required prescription labeling and that are intended to be used one time only are exempt from tax; (10) a suggested exemption certificate to be used to purchase tax-exempt medical products or supplies; (11) the taxability of chemical compounds and test kits, including a list of tax-exempt and a list of taxable chemical compounds and test kits; (13) the definition of “prosthetic or orthopedic appliances” and when such appliances are exempt from tax; (14) the exemption for parts or other items added to tangible personal property so that a handicapped person may use an item; (15) the exemption for orthopedic or corrective shoes; (16) the taxability of eyeglasses and lenses; (17) the exemption for stock lenses and a suggested exemption certificate to buy certain stock lenses tax-exempt; and (18) recordkeeping requirements.

The purpose of the proposed creation of Rule 12A-1.0205, F.A.C. (Veterinary Sales and Services), is to provide for the taxability of veterinary services, for the taxability of items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for the taxability of medical supplies and products used in the treatment of animals. The proposed new rule, when adopted, will provide: (1) that professional services provided by veterinarians are not subject to tax; (2) that charges for hospitalization of animals are not subject to tax; (3) that charges for boarding and grooming services are not subject to tax, but items consumed in providing those services are subject to tax; (4) that prescription drugs, medical gases, and opaque drugs are exempt when containing the required federal labeling; (5) for the taxability of items used by veterinarians for treatment of animals and a list of items that are specifically exempt when purchased by veterinarians; (6) that medical products or supplies bearing the prescription labeling required under federal law are exempt when intended to be used one-time only; (7) that medical products that are temporarily or permanently incorporated into an animal are exempt; (8) that medical trays bearing the prescription labeling required under federal law and that are intended for a single use are exempt from tax; (9) when commonly recognized substances possessing curative or remedial properties purchased by veterinarians are exempt; (10) a suggested exemption certificate to be used to purchase tax-exempt substances and medical products or supplies; (11) how to purchase items tax-exempt for purposes of resale to clients; and (12) recordkeeping requirements.

The purpose of the proposed repeal of Rule 12A-1.021, F.A.C., is to move the provisions regarding the exemptions provided for prosthetic and orthopedic appliances and for prescribed parts and attachments to tangible personal property so that a

handicapped person can use them to the substantial rewording of Rule 12A-1.020, F.A.C. (Licensed Practitioners; Drugs, Medical Products and Supplies, and Prosthetic and Orthopedic Appliances).

The purpose of the proposed amendments to Rule 12A-1.097, F.A.C., is to adopt, by reference, changes to Form DR-46NT, Nontaxable Medical and General Grocery List, to include updated lists of tax-exempt Common Household Remedies and tax-exempt Prosthetic and Orthopedic appliances, as certified by the Department of Health on September 18, 2007.

SUBJECT AREA TO BE ADDRESSED: The subject of this workshop is the proposed changes to Rule Chapter 12A-1, F.A.C. (Sales and Use Tax), regarding: (1) the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine and the taxability of chemical compounds and test kits, common household remedies, drugs, eyeglasses and lenses, medical gases, medical products and supplies, and prosthetic and orthopedic appliances; and (2) the application of tax to items used in the practice of veterinary medicine, including medical supplies and products used in the treatment of animals, and the exemptions provided for substances possessing curative or remedial properties.

SPECIFIC AUTHORITY: 212.17(6), 212.18(2), (3), 213.06(1) FS.

LAW IMPLEMENTED: 92.525(1)(b), (3), 95.091, 212.02, 212.05, 212.06, 212.08(2), 212.085, 212.13, 212.18(2), (3) FS. A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: May 19, 2008, 10:00 a.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green. 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: Janet L. Young, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-9407

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

12A-1.002 Practitioners of the Healing Arts.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05(1), 212.08(2), (7) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.02, Repealed _____.

12A-1.015 Industrial Gases.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), 212.05, 212.08(2), (6), (7)(o) FS. History—Revised 10-7-68, 6-16-72, Formerly 12A-1.15, Repealed _____.

(Substantial Rewording of Rule 12A-1.020 follows. See Florida Administrative Code for present text.)

12A-1.020 Licensed Practitioners; Drugs, ~~Medicine and~~ Medical Products and Supplies, and Prosthetic and Orthopedic Appliances.

(1) SCOPE.

(a) Section 212.08(2), F.S., provides an exemption for certain items used in the practice of medicine by hospitals, physicians, dentists, and other licensed practitioners. This rule is intended to clarify the application of tax to items sold to hospitals, physicians, dentists, and other licensed practitioners for use in their practice of medicine. This rule is also intended to clarify the exemption for chemical compounds and test kits, common household remedies, drugs, eyeglasses and lenses, medical gases, medical products and supplies, and prosthetic and orthopedic appliances.

(b) Rule 12A-1.0205, F.A.C. (Veterinary Sales and Services), is intended to provide guidance to veterinarians for items used in the practice of veterinary medicine, for the exemptions provided for substances possessing curative or remedial properties, and for medical supplies and products used in the treatment of animals.

(2) LICENSED PRACTITIONERS.

(a) For purposes of this rule, a “licensed practitioner” is any person who is duly licensed and authorized by laws of the State of Florida to administer, prescribe, or dispense, as appropriate, a drug or device for medical purposes.

(b) For purposes of this rule, the term “prescription” includes:

1. Any order for drugs or medicinal supplies written or transmitted by any means of communication by a duly licensed practitioner authorized by the laws of the State of Florida to prescribe such drugs or medicinal supplies that are intended to be dispensed by a pharmacist;

2. An orally transmitted order by the lawfully designated agent of a licensed practitioner;

3. An order written or transmitted by a practitioner licensed to practice in a jurisdiction other than this state, but only if the pharmacist called upon to dispense such order determines, in the exercise of his or her professional judgment, that the order is valid and necessary for the treatment of a chronic or recurrent illness;

4. A pharmacist's order for a product selected from the formulary created pursuant to Section 465.186, F.S., and Rule Chapters 64B8-36, 64B15-18, and 64B16-27, F.A.C.

(c) Hospitals and licensed practitioners are required to pay tax at the time of purchase on taxable items or services used or consumed in providing medical services. See Rule 12A-1.038, F.A.C., for tax-exempt purchases by hospitals that hold a valid Consumer's Certificate of Exemption issued by the Department.

(3) MEDICINES AND DRUGS.

(a) The sale or use of medicines and drugs including samples, to or by hospitals, physicians, dentists, and other licensed practitioners in connection with medical treatment, is exempt. Drugs and medicines dispensed or administered in this manner are required by federal law to be labeled "Rx only" or to contain a federal warning, such as "Caution: Federal law prohibits dispensing without prescription."

(b) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in the connection with medical X-rays for the treatment of human bodies are exempt.

(4) MEDICAL GASES.

(a) Compressed medical gases and medical oxygen in compliance with the provisions of 21 C.F.R. Parts 200-299 and Rule 64F-12.007, F.A.C., are exempt. Compressed medical gases and medical oxygen are required by federal law to be labeled "Rx only" or to contain the federally required warning as a prescription drug or medicine.

(b) The charge for filling or refilling tanks containing compressed air or nitrox to be used for scuba diving is subject to tax.

(5) COMMON HOUSEHOLD REMEDIES; COSMETICS; TOILET ARTICLES; HYGIENE PRODUCTS.

(a)1. Common household remedies recommended and generally sold for internal or external use in the cure, mitigation, treatment, or prevention of illness or disease in human beings, according to a list prescribed and approved by the Department of Health and certified to the Department of Revenue, are exempt. This list is contained in Form DR-46NT, Nontaxable Medical and General Grocery List (incorporated by reference in Rule 12A-1.097, F.A.C.).

2. Common household items that are not intended to cure, mitigate, treat, or prevent illness or disease in human beings are subject to tax. For example, disinfectants used for the sterilization of glass, containers, utensils, or equipment are subject to tax; products used for the purification of air or for deodorants are subject to tax; chlorine used for the treatment of water in swimming pools is subject to tax.

(b) The exemption provided for common household remedies does not include cosmetics or toilet articles, even when the cosmetic or toilet article contains medicinal ingredients. Cosmetics and toilet articles, including those that contain medicinal ingredients, are subject to tax, except when dispensed pursuant to a prescription written by a licensed practitioner.

1. For purposes of this rule, "cosmetics" means any article intended to be rubbed, poured, sprinkled, sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance. The term includes articles intended for use as a compound of any such articles, such as cold creams, suntan products, makeup, and body lotions.

2. For purposes of this rule, "toilet articles" means any article advertised or held out for sale for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known, such as soaps, toothpastes, hair sprays, shaving products, colognes, perfumes, shampoos, deodorants, and mouthwashes.

(c) Personal hygiene products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(d) Contraceptive products, except when dispensed pursuant to a prescription written by a licensed practitioner, are subject to tax.

(e) Taxpayers who have a question regarding the taxable status of a product may submit a written description of the product, including the product name, ingredients, and recommended uses, to the Department. This request should be addressed to the Florida Department of Revenue, Technical Assistance and Dispute Resolution, Post Office Box 7443, Tallahassee, Florida 32314-7443.

(6) MEDICAL PRODUCTS, SUPPLIES, OR DEVICES.

(a) "Medical products, supplies, or devices" are any products, supplies, or devices that are intended or designed to be used for a medical purpose to treat, prevent, or diagnose human disease, illness, or injury. The purpose is assigned to a product, supply, or device by its label or its general instructions for use.

(b) Medical products, supplies, and devices that are dispensed according to an individual prescription written by a licensed practitioner, are exempt.

(c)1. The sale of medical products, supplies, or devices to hospitals and to licensed practitioners is subject to tax, unless specifically exempt, as provided in Section 212.08(2), F.S. (such as crutches, lithotripters, human organs, hypodermic needles, and hypodermic syringes), and in this rule.

2. Examples of medical products, supplies, or devices that are subject to tax include items such as: absorbent cotton; gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable knives, needles, or scissors; scales; ear syringes; tongue depressors; specimen bags; instruments, equipment, and machines and their parts and accessories; microscopes; examination tables; hospital beds; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; and magnetic resonance imaging (MRI) machines. This is not intended to be an exhaustive list.

(d)1. Medical products, supplies, or devices sold to hospitals, healthcare entities, or licensed practitioners are exempt when:

a. The medical product, supply, or device is required under federal law to bear a prescription legend that reads either “RX only,” or “CAUTION: Federal law restricts this device to sale by or on the order of a _____ [designation of a licensed health care practitioner authorized to use or order the use of the device]”; and

b. The medical product, supply, or device is intended for a single patient use and is not intended to be reusable.

2. Medical trays containing medical products, supplies, or devices that are required under federal law to bear the required prescription label and are intended for a single patient use are exempt, even when the medical tray contains an item that, when sold separately, is subject to tax. For example, surgical kits and procedure kits that bear the required prescription label and are intended for a single patient use are exempt.

3. No exemption certificate is required to be obtained by the selling dealer from the purchasing hospital, healthcare entity, or licensed practitioner to document tax-exempt sales of medical products, supplies, or devices that bear the required prescription label. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a hospital, healthcare entity, or licensed practitioner bears the prescription legend required under federal law.

(e)1. Medical products, supplies, and devices used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s) that are temporarily or permanently incorporated into a patient(s) by a licensed practitioner are exempt. Such medical products, supplies, and devices may be purchased tax-exempt when the licensed practitioner, or an authorized representative of the licensed practitioner, extends an exemption certificate to the selling dealer certifying that the purchased medical products, supplies, or devices will be temporarily or permanently incorporated into a patient(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient(s). The following is a suggested exemption certificate:

MEDICAL PRODUCTS, SUPPLIES, OR DEVICES
EXEMPTION CERTIFICATE

I, the undersigned individual, as a practitioner licensed in the State of Florida, or an authorized representative of a licensed practitioner, certify that the medical products, supplies, or devices purchased on or after (date) from _____ (Selling Dealer’s Business Name) meet the definition of a medical product, supply, or device and will be dispensed according to a prescription or are purchased for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of a patient and will be temporarily or permanently incorporated into a patient.

I understand that if I use the medical product, supply, or device for any nonexempt purpose, I must pay tax on the purchase price of the item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Licensed Practitioner’s Name: _____

Florida License Number: _____

Licensed Practitioner’s Address: _____

Name of Practitioner or Authorized Representative: _____

(Signature of Licensed Practitioner or Authorized Representative) _____

Title Date _____

(7) CHEMICAL COMPOUNDS AND TEST KITS.

(a) The sale of chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury is exempt. The following is a nonexhaustive list of tax-exempt chemical compounds and test kits:

1. Allergy test kits that use human blood to test for the most common allergens;
2. Anemia meters and test kits;
3. Antibodies to Hepatitis C test kits;
4. Bilirubin test kits (blood or urine);
5. Blood analyzers, blood collection tubes, lancets, capillaries, test strips, tubes containing chemical compounds, and test kits to test human blood for levels of albumin, cholesterol, HDL, LDL, triglycerides, glucose, ketones, or other detectors of illness, disease, or injury;
6. Blood sugar (glucose) test kits, reagent strips, test tapes, and other test kit refills;
7. Blood pressure monitors, kits, and parts;
8. Breast self-exam kit;
9. Fecal occult blood tests (colorectal tests);
10. Hemoglobin test kits;
11. Human Immunodeficiency Virus (HIV) test kits and systems;
12. Influenza AB test kits;
13. Middle ear monitor;
14. Prostate Specific Antigen (PSA) test kits;
15. Prothrombin (clotting factor) test kits;
16. Thermometers, for human use;
17. Thyroid Stimulating Hormone (TSH) test kits;
18. Urinalysis test kits, reagent strips, tablets, and test tapes to test levels, such as albumin, blood, glucose, leukocytes, nitrite, pH, or protein levels, in human urine as detectors of illness, disease, or injury;

19. Urinary tract infection test kits; and

20. Vaginal acidity (pH) test kits.

(b) Chemical compounds and test kits that are not used to diagnose or treat human disease, illness, or injury are subject to tax. The following is a nonexhaustive list of chemical compounds and test kits that do not test for human illness, disease, or injury and are subject to tax:

1. Blood typing test kits for home use;

2. DNA tests (such as maternity tests, paternity tests, sibling ship tests, twin zygosity tests, ancestry testing, avuncular (grandparent, aunt, and uncle) tests, male lineage tests, or article tests);

3. Drug and alcohol (including nicotine) test kits;

4. Ethanol breathalyzer tests (alcohol intoxicification);

5. Follicle stimulating hormone (FSH) test kits;

6. Hazard chemicals detection kits;

7. Male fertility (semen analysis) test kits;

8. Menopause monitors and test kits;

9. Ovulation/leutinizing hormone (LH) test kits;

10. Personal wellness or body balance check test kits, such as those to measure hormone levels, cortisol levels, melatonin levels, mineral levels, or antioxidant levels; and

11. Pregnancy test kits;

(8) PROSTHETIC AND ORTHOPEDIC APPLIANCES.

(a) For purposes of this rule, "prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to:

1. Replace or substitute for any missing part of the body;

2. Alleviate the malfunction of any part of the body; or

3. Assist any disabled person in leading a normal life by facilitating such person's mobility.

(b) Artificial eyes, artificial limbs, crutches, dentures, and hearings aids are specifically exempt prosthetic and orthopedic appliances. Prosthetic and orthopedic appliances prescribed and approved by the Department of Health and certified to the Department of Revenue are exempt and do not require a prescription to qualify for exemption. The list of tax-exempt prosthetic and orthopedic appliances is contained in Form DR-46NT, Nontaxable Medical and General Grocery List.

(c)1. Prosthetic and orthopedic appliances are exempt when sold or dispensed pursuant to an individual prescription or prescriptions written by a physician licensed under:

a. Chapter 458, F.S., Medical Practice;

b. Chapter 459, F.S., Osteopathic Medicine;

c. Chapter 460, F.S., Chiropractic Medicine;

d. Chapter 461, F.S., Podiatric Medicine;

e. Chapter 466, F.S., Dentistry, Dental Hygiene, and Dental Laboratories.

2. When a licensed physician prescribes an item to a patient that qualifies as a prosthetic or orthopedic appliance, the physician must indicate on the prescription the medical use of the item, or the medical condition that will be improved through the use of the item.

(d) Taxpayers who have a question regarding the taxable or exempt status of a prosthetic or orthopedic appliance may submit a written request to the Department, containing the name and a description of the appliance and its recommended use, for a determination of taxability of the appliance. The written request should be addressed to: Florida Department of Revenue, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443.

(9) PRESCRIBED PARTS AND ATTACHMENTS.

(a) Parts, special attachments, special lettering, and other like items that are added to or attached to tangible personal property to assist a person with special needs are exempt when purchased pursuant to an individual prescription. When purchased without an individual prescription, these items are subject to tax. For example, items installed on motor vehicles to make them adaptable for use by persons with special needs, such as special controls, purchased pursuant to a written prescription are exempt; however, the motor vehicle and the standard or optional equipment available on the motor vehicle are subject to tax.

(b) If tangible personal property is sold with special controls, lettering, or devices, and the additional charge for the added features is separately stated on the sales invoice for the tangible personal property, that charge for the added features is exempt when purchased pursuant to an individual prescription.

(10) ORTHOPEDIC OR CORRECTIVE SHOES.

(a) Orthopedic shoes made to specifications prescribed by a podiatrist, orthopedist, or other physician for the purpose of treating or preventing illness or disease, or to correct physical incapacity are exempt from tax.

(b) Shoes made to order for special fitting problems, such as narrow or large feet, are subject to tax.

(c) When a shoe is modified to specifications prescribed by a podiatrist, orthopedist, or other physician by the insertion of a lift, a wedge, or an arch support for the purpose of treating or preventing illness or disease, or to correct physical incapacity, the charge for the shoe is subject to tax. However, any reasonable separately stated charge for the modification is exempt. If no separate charge is made for the modification, the entire charge is subject to tax.

(d) When a shoe is modified for a more comfortable fit (e.g., heel pad inserted or insole added), for improving the style, or for similar purposes, the total charge for the modification and the shoe is subject to tax.

(11) EYEGLASSES AND LENSES.

(a) Prescription eyeglasses, incidental items, and items that become a part of prescription eyeglasses, are exempt. Prescription eyeglasses include lenses, including contact

lenses, prescribed for the correction of a patient's refractive effort, for the improvement of a patient's vision, or for protective purposes. Incidental items include frames, component parts, carrying cases, contact lens cases, and other similar items.

(b) The sale of eyeglass lens cleaning solutions, contact lens cleaning solutions, and contact lens disinfectants are subject to tax.

(c) The sale of standard or stock eyeglasses, incidental items, or items that become a part of standard or stock eyeglasses, without a prescription, is subject to tax. Some examples are: frames and component parts, carrying cases, safety glasses, sunglasses, field glasses, opera glasses, and magnifying glasses.

(d) When the purchaser of one-time items that transfer essential optical characteristics to contact lenses has paid at least \$100,000 in tax (sales tax, plus discretionary sales surtax) in any calendar year on such purchases, the purchaser is exempt from tax on purchases of such items for the remainder of that calendar year. Purchasers who hold a valid Sales and Use Tax Direct Pay Permit issued by the Department may make tax-exempt purchases of these items when:

1. The purchaser extends a copy of a valid Sales and Use Tax Direct Pay Permit, as provided in Rule 12A-1.0911, F.A.C., to the selling dealer at the time of purchase; and

2. The purchaser pays to the Department each calendar year \$100,000 in tax due on purchases of one-time items that transfer essential optical characteristics to contact lenses during the calendar year.

(12) RECORDKEEPING REQUIREMENTS.

(a) Dealers must maintain copies of exemption certificates, Annual Resale Certificates, prescriptions, and any other documentation required under the provisions of this rule until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the selling dealer of the required certificates, prescriptions, and other documentation through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 95.091(3), 212.08(2), 212.085, 465.186, 465.187 FS. History—Revised 10-7-68, Amended 1-17-71, Revised 6-16-72, Amended 5-27-75, 5-10-77, 6-26-78, 2-26-79, 6-3-80, 12-31-81, 8-28-84, Formerly 12A-1.20, Amended 12-8-87, _____.

12A-1.0205 Veterinary Sales and Services.

(1) VETERINARY SERVICES.

(a) Services, such as examinations, treatment, or vaccinations of animals rendered by veterinarians are not subject to tax.

(b) Charges for hospitalization as part of the veterinarian's treatment for a diagnosed health disorder are not subject to tax.

(2) BOARDING AND GROOMING SERVICES.

(a) Charges for boarding animals or for grooming animals are not subject to tax.

(b) Items purchased for use in providing boarding services or grooming services are subject to tax. For example, food (i.e. cat, dog, or bird food), nail care items, clippers, shears, brushes, combs, soaps, detergents, deodorizers, and colognes are subject to tax. Disinfectants used to clean kennels, cages, equipment, or other items used for boarding or grooming animals are subject to tax.

(3) DRUGS AND MEDICAL GASES.

(a) The sale or use of medicines and drugs, including samples, to or by veterinarians or veterinary hospitals in connection with medical treatment is exempt. Drugs and medicines dispensed or administered in this manner are required by federal law to be labeled "Rx only" or to contain a federal warning, such as "Caution: Federal law prohibits dispensing without prescription."

(b) Compressed medical gases or medical oxygen in compliance with the provisions of 21 C.F.R. Parts 200-299 and Rule 64F-12.007, F.A.C., which bear one of the legends required by federal law, are exempt when sold to a licensed veterinarian.

(c) Opaque drugs, including X-ray opaques, and radiopaque, such as the various opaque dyes and barium sulphate, that are used in the connection with medical X-rays for the treatment of animals are exempt.

(4) ITEMS PURCHASED FOR TREATMENT.

(a) Veterinarians are required to pay tax at the time of purchase on taxable items and services used or consumed in rendering veterinary services. Some examples of taxable items used or consumed by veterinarians in their practice are: gloves, gowns, uniforms, masks, drapes, or towels; infusion pumps; reusable, knives, needles, or scissors; scales; ear syringes; specimen bags; instruments, equipment, and machines and their parts and accessories; microscopes; examination tables; X-ray machines; X-ray films and developing solutions; computerized axial tomography (CAT) machines; magnetic resonance imaging (MRI) machines; rabies tags; identification chips; disposable medical restraint collars and muzzles; and chemical compounds and test kits used for the diagnosis or treatment of animals' disease, illness, or injury. This is not intended to be an exhaustive list.

(b) The following items sold to veterinary clinics or hospitals or licensed veterinarians are exempt:

1. Antiseptics;
2. Absorbent cotton;
3. Gauze for bandages;
4. Hypodermic needles and syringes;
5. Lotions;
6. Vitamins; and
7. Worm remedies.

(c)1. Medical products and supplies sold to veterinary clinics or hospitals or licensed veterinarians are exempt when:

a. The medical product or supply bears one of the prescription legends required under federal law for drugs, medicines, and medicinal supplies dispensed by licensed veterinarians, as provided in paragraph (3)(c); and

b. The product or supply is intended for a single use and is not intended to be reusable.

2. Medical trays containing medical products, supplies, or devices that are required under federal law to bear the required prescription label and are intended for a single animal use are exempt, even when the medical tray contains an item that, when sold separately, is subject to tax. For example, surgical kits and procedure kits that bear the required prescription label and are intended for a single animal use are exempt.

3. No exemption certificate is required to be obtained by the selling dealer from the purchasing veterinary clinic or hospital or licensed veterinarian to document tax-exempt sales of medical products, supplies, or devices that bear the required prescription label. However, selling dealers are required to maintain documents in their records evidencing that the medical product, supply, or device sold to a veterinary clinic or hospital or licensed veterinarian bears the prescription legend required under federal law.

(d) Medical products and supplies used in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s) that are temporarily or permanently incorporated into an animal(s) are exempt. Such medical products and supplies may be purchased tax-exempt when the veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased medical products or supplies will be temporarily or permanently incorporated into an animal(s) for the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(e)1. Commonly recognized substances possessing curative or remedial properties are exempt when:

a. A licensed veterinarian prescribes the substance, or orders and dispenses the substance, as treatment for a diagnosed health disorder of an animal; and

b. The substance is applied to, or consumed by, animals for the alleviation of pain or the cure or prevention of sickness, disease, or suffering.

2. Examples: Transdermal medications, sprays, or powders designed to prevent or treat flea or tick infestation, and prescription or therapeutic pet foods, are exempt when they are prescribed by, or ordered and dispensed by, a licensed veterinarian as part of treatment of a diagnosed health disorder of an animal. When these items are dispensed or sold without an order or prescription issued by a licensed veterinarian, the charges for such items are subject to tax.

3. Commonly recognized substances possessing curative or remedial properties may be purchased tax-exempt when the licensed veterinarian, or an authorized representative of the licensed veterinarian, extends an exemption certificate to the selling dealer certifying that the purchased substance possessing curative or remedial properties will be applied to, or consumed by, an animal(s) for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s). A suggested exemption certificate is provided in paragraph (f).

(f) The following is a suggested exemption certificate:

EXEMPTION CERTIFICATE
MEDICAL PRODUCTS AND SUPPLIES
SUBSTANCES POSSESSING CURATIVE OR REMEDIAL
PROPERTIES

I, the undersigned individual, as a veterinarian licensed in the State of Florida, or an authorized representative of a licensed veterinarian, certify that the items indicated below, purchased on or after (date) from (Selling Dealer's Business Name), are for the exempt purpose indicated below. The option checked below applies to this purchase:

() Medical products or supplies that will be temporarily or permanently incorporated into an animal for use in the cure, mitigation, alleviation, prevention, or treatment of injury, disease, or incapacity of an animal(s).

() Substances possessing curative or remedial properties that will be prescribed, ordered, or dispensed as treatment for the alleviation of pain or the cure or prevention of sickness, disease, or suffering of an animal(s).

I understand that if I use the medical product or supply or substance for any nonexempt purpose, I must pay tax on the purchase price of the item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

Under the penalties of perjury, I declare that I have read the foregoing Certificate and that the facts stated herein are true.

Licensed Veterinarian's Name: _____

Veterinarian's Address _____

Veterinarian's Florida License No. _____

Name of Veterinarian's Authorized Representative: _____

(Signature of Veterinarian or Authorized Representative)

Date

(5) ITEMS PURCHASED FOR RESALE.

(a) Veterinarians who sell, lease, or rent items of tangible personal property, such as pet carriers, crates, kennels, houses, cages, clothing, bedding, toys, collars, leashes, leads, tie-outs, feeders, bowls, dishes, gates, or doors, are required to register as a dealer and collect and remit the applicable tax to the Department. This is not intended to be an exhaustive list.

(b) As a registered dealer, the veterinarian may provide a copy of the dealer's Annual Resale Certificate to purchase taxable items of tangible personal property for resale in lieu of paying tax to the selling vendor, as provided in Rule 12A-1.039, F.A.C.

(6) RECORDKEEPING REQUIREMENTS.

(a) Veterinarians must maintain copies of records indicating the prescription or orders for and the dispensing of drugs, medicines, medical products and supplies, and substances possessing curative or remedial properties in their records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under Section 95.091(3), F.S.

(b) Electronic storage by the veterinarian of the orders or prescriptions through use of imaging, microfiche, or other electronic storage media will be sufficient compliance with the provisions of this subsection.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14), (19), 212.05, 212.08(2), 212.085, 212.18(3), 465.186, 465.187 FS. History—New _____.

12A-1.021 Prosthetic and Orthopedic Appliances.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.08(2) FS. History—Revised 10-7-68, 1-7-70, Amended 1-17-71, Revised 6-16-72, Amended 6-9-76, 6-26-78, 12-31-81, Formerly 12A-1.21, Amended 12-8-87, Repealed _____.

12A-1.097 Public Use Forms.

(1) The following public use forms and instructions are employed by the Department in its dealings with the public related to the administration of Chapter 212, F.S. These forms are hereby incorporated by reference in this rule.

(a) through (b) No change.

Form Number	Title	Effective Date
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(2) through (14) No change.

(15)(a) No change.

(b) DR-46NT Nontaxable Medical and General Grocery List

(R. ____ r. 02/92).

(16) through (23) No change.

Specific Authority 201.11, 202.17(3)(a), 202.22(6), 202.26(3), 212.0515(7), 212.07(1)(b), 212.08(5)(b)4., (7), 212.11(5)(b), 212.12(1)(b)2., 212.17(6), 212.18(2), (3), 213.06(1), 376.70(6)(b), 376.75(9)(b), 403.718(3)(b), 403.7185(3)(b), 443.171(2), (7) FS. Law Implemented 92.525(1)(b), (3), 95.091, 125.0104, 125.0108, 201.01, 201.08(1)(a), 201.133, 201.17(1)-(5), 202.11(2), (3), (6), (16), (24), 202.17, 202.22(3)-(6), 202.28(1), 203.01, 212.02, 212.03, 212.0305,

212.031, 212.04, 212.05, 212.0501, 212.0515, 212.054, 212.055, 212.06, 212.0606, 212.07(1), (8), (9), 212.08, 212.084(3), 212.085, 212.09, 212.096, 212.11(1), (4), (5), 212.12(1), (2), (9), (13), 212.13, 212.14(5), 212.17, 212.18(2), (3), 213.235, 213.29, 213.37, 219.07, 288.1258, 376.70, 376.75, 403.717, 403.718, 403.7185, 443.036, 443.121(1), (3), 443.131, 443.1315, 443.1316, 443.171(2), (7) FS. History—New 4-12-84, Formerly 12A-1.97, Amended 8-10-92, 11-30-97, 7-1-99, 4-2-00, 6-28-00, 6-19-01, 10-2-01, 10-21-01, 8-1-02, 4-17-03, 5-4-03, 06-12-03, 10-1-03, 9-28-04, 6-28-05, 5-1-06, 4-5-07, _____.

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.: 33-102.201 RULE TITLE: Notice of Proposed Rules

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to update and clarify the means by which notices of proposed rule activities are communicated to affected persons. The proposed rule provides for publication of notices on the internet, eliminates unnecessary hard-copy posting, and reflects the correct names of the facilities where inmates are housed.

SUBJECT AREA TO BE ADDRESSED: Posting of proposed rule notices.

SPECIFIC AUTHORITY: 120.54(3)(a) FS.

LAW IMPLEMENTED: 120.54(3)(a) 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:

33-102.201 Notice of ~~Proceedings and~~ Proposed Rules.

(1) No change.

(2) Notice to those directly affected by a proposed rule shall be by:

(a) through (b) No change.

(c) Posting notice of the intended action on the Department of Corrections website bulletin board in the Central Office in Tallahassee.

(d) Posting by memorandum notice of the intended action on the inmate ~~and personnel~~ bulletin boards of all major institutions, annexes, work camps, road prisons, and work release community correctional centers, community vocational centers and offices throughout the state directing that complete proposed rules are available in each institutional library or office. A copy of the notice shall be circulated among the inmates in all disciplinary, administrative and ~~or~~ close management confinement areas of all facilities.

Specific Authority 120.54(3)(a) FS. Law Implemented 120.54(3)(a) FS. History—New 10-8-76, Amended 5-2-85, Formerly 33-12.01, Amended 8-13-97, Formerly 33-12.001, Amended _____.

DEPARTMENT OF CORRECTIONS

RULE NOS.:	RULE TITLES:
33-104.201	Representation of News Media at Executions
33-104.202	Procedures to be Applied to News Media Representatives Attending Executions
33-104.203	News Media Access to Inmates Under Sentence of Death

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rules 33-104.201, 33-104.202, and 401.203, F.A.C., to replace obsolete titles, require designated representatives and alternate names be received by the department at least seven (7) working days prior to the execution, prohibit bringing cell phones into the execution observation room, remove the requirement that news media representatives make prior arrangements where state holidays fall on normal visitation days and give the decision of whether to allow media interviews on those days to the Warden, require that inmates request group and individual interviews within one week after his or her execution date is set, and for consistency.

SUBJECT AREA TO BE ADDRESSED: News media representation, procedures and access under sentence of death.

SPECIFIC AUTHORITY: 922.11, 944.09, 944.23 FS.

LAW IMPLEMENTED: 922.11, 944.23 FS.

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

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

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

- 33-104.201 Representation of News Media at Executions.
 - (1) No change.

(a) The ~~Director Florida Editor~~ of the Florida Radio Network United Press International Wire Service may designate one news reporter to be its media representative.

(b) through (d) No change.

(2) The names of the news reporters who will represent each of the above-mentioned classes of news media and designated alternates shall be sent in writing to the Secretary of the Department of Corrections and signed by the person authorized to make the designation. Only pProperly designated representatives or their designated alternates whose names are received by the Secretary at least seven working days ~~72 hours~~ prior to the execution, or a shorter time period when determined necessary by the Secretary, shall be admitted to witness the execution. In the event that any designee fails to appear as set out in Rule 33-104.202, F.A.C., the next available alternate designated for such class shall be admitted to attend in the absent designee’s place.

(3) No change.

(4) In the event of a stay, the same media witnesses will be retained so long as the execution is rescheduled and held within sixty days.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History—New 10-11-77, Amended 3-10-80, Formerly 33-15.01, 33-15.001, Amended _____.

33-104.202 Procedures to be Applied to News Media Representatives Attending Executions.

(1) The following procedures shall apply to representatives of the news media who are selected to witness executions:

(a) No change.

(b) No electronic or mechanical devices, including but not limited to still, moving picture or video-tape cameras, tape recorders or similar devices, cell phones, or artistic paraphernalia, will be permitted in the execution observation room.

(c) No change.

(2) through (4) No change.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History—New 10-11-77, Amended 3-10-80, Formerly 33-15.02, 33-15.002, Amended _____.

33-104.203 News Media Access to Inmates Under Sentence of Death.

(1) Regularly scheduled news media interviews with inmates under sentence of death will be permitted each week on Tuesday, Wednesday, and Thursday, between the hours of 1:00 p.m. and 3:00 p.m., and will be contingent upon the consent of the inmate. If a state holiday falls on Tuesday, Wednesday, or Thursday, the warden may set interviews on another day during the week at his discretion. The warden may authorize additional visits if staff are available and the need exists. ~~News media representatives who have made prior~~

~~arrangements with the Office of Public Affairs may be allowed admittance to regularly scheduled news media interviews to the extent that accommodations are available and security risks are not created.~~

(2) through (3) No change.

(4)(a) During the calendar week of the execution, the offender sentenced to death will be allowed to have one group interview with a total of thirty media representatives and one (1) individual interview with a news media representative selected by the offender sentenced to death, provided the inmate requests said interviews in writing no later than one week after an execution date is set.

(b) The group and individual ~~Said~~ interviews shall ~~will~~ be conducted within forty-eight hours prior to the scheduled time of execution at a place and time designated by the warden of Florida State Prison and shall not exceed one hour each in duration.

~~(c)(b)~~ Within a reasonable period of time prior to the scheduled group interview, the Secretary or a person designated by the Secretary will notify the office of the Director Florida Editor of the Florida Radio Network United Press International Wire Service, the office of the Florida Bureau Chief of the Associated Press Wire Service, the Florida Association of Broadcasters, and the Florida Press Association of the date, time and place of the group interview. A total of thirty media representatives will be permitted to attend the group interview. The Florida Radio Network United Press International and the Associated Press will each be entitled to two representatives at the group interview. The Florida Association of Broadcasters and the Florida Press Association will each be permitted to designate thirteen representatives and designated alternates. Such representatives may include photographers, cameramen and sound operators, and they may bring and use a reasonable amount of appropriate equipment and paraphernalia.

~~(d)(e)~~ A print media Rrepresentatives selected for the individual interview, including print media, radio and television representatives, may use the following: a tape recorder, camera, and sound equipment. Representatives and may designate the following to assist during the interview: a bona fide still photographer, ~~to participate in the interview. A radio representative selected may use a tape recorder and may designate a technical assistant, for the interview. A television representative selected may designate a camera operator, and sound operator to assist during the interview.~~

(5) No change.

Specific Authority 922.11, 944.09, 944.23 FS. Law Implemented 922.11, 944.23 FS. History—New 3-10-80, Formerly 33-15.03, 33-15.003, Amended 3-22-05,_____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-203.201
 RULE TITLE: Inmate Trust Fund

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend Rule 33-203.201, F.A.C., to clarify that the fee exemption for honorably discharged veterans – requires the inmate to provide notification and documentation of honorable discharge and correct the reference to provision of Florida Statutes providing for unclaimed funds to escheat to the state and the time period for retention before funds escheat.

SUBJECT AREA TO BE ADDRESSED: Inmate trust fund.

SPECIFIC AUTHORITY: 944.09, 944.516 945.091, 945.215 FS.

LAW IMPLEMENTED: 57.085, 717.113, 944.09, 944.516 945.091, 945.215 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: Jamie Leigh Jordan, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-203.201 Inmate Trust Fund.

(1) The following are the policies of the Department with respect to money received for the personal use or benefit of inmates:

(a) through (g) No change.

(h) Pursuant to Section 944.516, F.S., each inmate shall be charged an administrative processing fee of no more than \$6.00 per month for banking services. The fee shall be based upon account activity for the month. An inmate whose account has no activity for the month shall not be assessed a fee for that month. Inmates shall be charged one percent of their total weekly canteen purchases and \$0.50 for each deposit. Inmates housed at Work Release Centers (WRC's) will be assessed a \$1.00 fee for each weekly cash draw. These fees are waived for Veterans of the United States Armed Forces who notify and provide documentation to the department that they have been honorably discharged.

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

(c) Deposits sent by mail are processed using an advanced high-speed processing machine which requires the use of the deposit form; the form should not be photocopied. Attempts will be made to process deposits sent without the accompanying form, but the absence of the form could cause a delay of up to 30 days to process. If staff are unable to determine to which inmate the money is being sent, the money

will be returned to the sender with a request for additional information necessary to process the deposit. If staff are unable to determine to which inmate the money is being sent and are unable to return the money because the sender did not provide a valid return address, the money will be held in a clearing account until the sender or receiving inmate is identified. If the inmate remains unidentified for 1 5 years the funds shall escheat to the state as unclaimed funds held by a government agency fiduciaries in accordance with Section 717.113 Chapter 717, F.S.

(d) No change.

(3) through (4) No change.

(5) When an inmate is released from the control of the department, and his or her inmate trust account balance exceeds \$1.00, the inmate's balance in the inmate trust fund at the time of discharge shall be mailed by the Bureau of Finance and Accounting, Inmate Trust Fund Section, within 45 days of the inmate's release to the address provided by the inmate during the release process. However, if deposits of checks, money orders or other negotiable instruments have been made to the inmate's account but have not cleared the account of the payer by the time the inmate is discharged, funds equal to the amount of the uncleared deposits shall be retained in the inmate's trust fund account. Immediately after the deposits have cleared, the balance due the inmate shall be forwarded by mail to the inmate. Inmates being released will be provided with cash for travel and related expenses. For inmates who meet eligibility requirements set forth in Rule 33-601.502, F.A.C., this money shall be in the form of a discharge gratuity. For inmates who are not eligible for discharge gratuities, a hold will be placed on the inmate's trust account and any remaining account balance shall be forwarded as indicated above. Pursuant to Section 717.113 Chapter 717, F.S., in the event that funds are unclaimed after a period of one five years, the balance shall escheat to the state as unclaimed funds held by a government agency fiduciaries.

(6) No change.

(7) When an inmate escapes and is not captured within 30 days, any balance in his Inmate Trust Fund account, in excess of \$1.00, shall be forwarded to the person designated on the inmate's notification record. If this person cannot be located after reasonable efforts, the funds shall be held for one five years and, if unclaimed, shall escheat to the state pursuant to Section 717.113 Chapter 717, F.S.

(8) through (12) No change.

Specific Authority 944.09, 944.516 945.091, 945.215 FS. Law Implemented 57.085, 717.113, 944.09, 944.516 945.091, 945.215 FS. History--New 1-27-86, Amended 7-16-89, 5-1-90, 3-2-92, 6-2-92, 8-25-92, 10-19-92, 4-13-93, 5-28-96, 6-15-98, Formerly 33-3.018, Amended 5-7-00, 7-13-03, 10-20-03, 1-23-05, 5-12-05, 11-13-06,_____.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:

RULE TITLE:

59G-5.020

Provider Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, July 2008. The handbook revisions include the new Medicaid fiscal agent's contact information, updated Medicaid provider enrollment procedures, and updated Medicare-Medicaid crossover policies. The revised handbook also includes the time standard for claim submission and special billing requirements. The effect of the rule amendment to Rule 59G-5.020, F.A.C., will be to incorporate by reference in rule the Florida Medicaid Provider General Handbook, July 2008.

SUBJECT AREA TO BE ADDRESSED: Provider Requirements.

SPECIFIC AUTHORITY: 409.919, FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

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

DATE AND TIME: Tuesday, April 29, 2008, 1:30 p.m. – 2:30 p.m.

PLACE: Agency for Health Care Administration, 2728 Fort Knox Boulevard, Building 3, Conference Room D, Tallahassee, Florida 32308

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Karen Girard, Medicaid Services, 2727 Mahan Drive, Building 3, Mail Stop 20, Tallahassee, Florida 32308-5407, (850)488-9711, girardk@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, July 2008 January 2007, which is incorporated by reference and available from the fiscal agent's website at <http://mymedicaid-Florida.com> ~~floridamedicaid.aes-inc.com~~. Click on Provider Support, and then on Handbooks. A ~~p~~Paper copy of the handbook may be obtained by calling the Medicaid fiscal agent Provider Enrollment at (800)289-7799 and selecting Option 4 377-8216.

(2) The following form is incorporated by reference: AHCA Form 2200-0004, March 2008 January 2007, Medicaid Provider Change Declaration of Service Address Request, one page. The form is available from the Medicaid fiscal agent's website at <http://mymedicaid-Florida.com floridamedicaid-aes-inc.com>. Click on Provider Support, and then on Enrollment. The form may also be obtained from the Medicaid fiscal agent by calling Provider Enrollment at (800)289-7799 and selecting Option 7 377-8216.

(3) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference. In Chapter 3, Temporary Emergency Medicaid Identification Card, January 2007; one page; CF-ES 2681, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women, one page; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility, one page; AHCA Form 5240-006, Unborn Activation Form, January 2007, one page; CF-ES 2039, Sep 2002, Medical Assistance Referral, two pages; In Chapter 3, ~~and the~~ CTEC-07, Revised March 2003, Crossover with TPL Claim and/or Adjustment Form, one page. In Chapter 6, Florida Medicaid Authorization Request, PA01 04/2002, one page; Medically Needy Billing Authorization, DF-ES 2902, June 2003, one page; State of Florida, Sterilization Consent Form, SCF 7/94, one page; State of Florida, Hysterectomy Acknowledgment Form, HAF 07/1999, one page; State of Florida, Exception to Hysterectomy Acknowledgment Requirement, ETA 07/2001, one page; State of Florida, Abortion Certification Form, AHCA-Med Serv Form 011, August 2001, one page and the Healthy Start Prenatal Risk Screening Instrument, DH 3134, 9/97, one page. The CF-ES forms are available from the Department of Children and Family Services. The Healthy Start Prenatal Risk Screening Instrument is available from the local County Health Department. The other forms are available from the Medicaid fiscal agent's website at <http://mymedicaid-Florida.com floridamedicaid-aes-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the forms may be obtained by calling the Medicaid fiscal agent Provider Enrollment at (800)289-7799 and selecting Option 7 377-8216.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History--New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, 5-24-07,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors' Licensing Board

RULE NO.: 61G6-5.008
 RULE TITLE: Public Liability and Workers' Compensation Insurance

PURPOSE AND EFFECT: The purpose and effect is to revise and clarify the existing language pertaining to requirements for obtaining public liability, property damage and workers' compensation insurance.

SUBJECT AREA TO BE ADDRESSED: Fees.

SPECIFIC AUTHORITY: 489.507(2), 489.510, 489.511(4), 489.515 FS.

LAW IMPLEMENTED: 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61G6-5.008 Public Liability and Workers' Compensation Insurance.

(1) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest that the applicant will obtain submit evidence the applicant has obtained public liability and property damage insurance, in the amounts stated herein ~~in the form of a Certificate of Insurance~~. It shall be a violation of this rule for any licensee to fail to continually maintain liability and property damage insurance in amounts set forth herein. The Certificate of Insurance shall be prepared by an insurance agency and must contain the following information:

(a) through (1) No change.

(2) As a prerequisite to the initial issuance, or a change in the status of an active certificate or registration, the applicant shall attest the applicant will obtain workers' compensation insurance or an appropriate exemption pursuant to Chapter 440, F.S. submit evidence the applicant has obtained workers' compensation insurance in the form of a Certificate of Insurance or an appropriate exemption pursuant to Chapter 440, F.S. It shall be a violation of this rule for any licensee to fail to continually maintain workers' compensation coverage or an appropriate exemption as required.

(3) through (5) No change.

Specific Authority 489.507(2), 489.510, 489.511(4), 489.515 FS. Law Implemented 489.507(2), 489.510, 489.511(4), 489.515, 489.517(5), 489.537 FS. History--New 1-2-80, Formerly 21GG-5.08, Amended 5-20-92, Formerly 21GG-5.008, Amended 9-22-97, 3-29-99, 3-19-02, 12-27-04,_____.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-5.006 RULE TITLE: Probable Cause Panel

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add new language to clarify who will serve on the probable cause panels and when they shall meet.

SUBJECT AREA TO BE ADDRESSED: Probable cause panels.

SPECIFIC AUTHORITY: 456.073, 491.004(5) FS.

LAW IMPLEMENTED: 456.073 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 Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NOS.:	RULE TITLES:
64B4-6.002	Approved Courses for Continuing Education
64B4-6.0025	Approved Continuing Education Course for Supervisory Training
64B4-6.004	Approval of Continuing Education Providers

PURPOSE AND EFFECT: The Board proposes to review the rules to delete any unnecessary language and add language to update and clarify approved courses for continuing education, approved continuing education course for supervisory training and for approved continuing education providers.

SUBJECT AREA TO BE ADDRESSED: Approved courses for continuing education, continuing education course for supervisory training and continuing education providers.

SPECIFIC AUTHORITY: 456.013(6), 491.004(5), 491.0085 FS.

LAW IMPLEMENTED: 456.013(6), 491.007, 491.0085 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 Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.:	RULE TITLE:
64B12-15.001	Continuing Education for License Renewal

PURPOSE AND EFFECT: The Board proposes the rule amendment to add language to clarify continuing education for the first renewal to include Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS).

SUBJECT AREA TO BE ADDRESSED: Continuing education for license renewal.

SPECIFIC AUTHORITY: 456.013(8), (9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(8), (9), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253

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

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.:	RULE TITLE:
64B12-15.003	Standards for Continuing Professional Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify when continuing education must include Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome (HIV/AIDS) .

SUBJECT AREA TO BE ADDRESSED: Standards for continuing professional education.

SPECIFIC AUTHORITY: 456.013(7),(9), 484.005, 484.008(3) FS.

LAW IMPLEMENTED: 456.013(6),(7),(9), 484.008(3) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3253 THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Optometry

RULE NO.: 64B13-18.002
 RULE TITLE: Formulary of Topical Ocular Pharmaceutical Agents

PURPOSE AND EFFECT: The purpose and effect is to add medications to the Formulary of Topical Ocular Pharmaceutical Agents at the request of the Florida Optometric Association as approved by the TOPA Committee Members.

SUBJECT AREA TO BE ADDRESSED: Formulary of Topical Ocular Pharmaceutical Agents.

SPECIFIC AUTHORITY: 463.005, 463.0055(2)(a) FS.

LAW IMPLEMENTED: 463.0055 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 Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B13-18.002 Formulary of Topical Ocular Pharmaceutical Agents.

The topical ocular pharmaceutical formulary consists of pharmaceutical agents which a certified optometrist is qualified to administer and prescribe in the practice of optometry pursuant to Section 463.0055(2)(a), F.S. The topical ocular pharmaceutical agents in the formulary include the following legend drugs alone or in combination in concentrations up to those specified, or any lesser concentration that is commercially available:

- (1) through (3) No change.
- (4) ANTIBACTERIAL
 - (a) through (l) No change.
 - (m) Moxifloxacin – 0.5%; ~~and~~
 - (n) Sodium sulfacetamide – 10.0% (alone and in combination); ~~and-~~
 - (o) Azasite.
- (5) through (8) No change.
- (9) MISCELLANEOUS
 - (a) through (c) No change.
 - (d) Polyvinyl pyrrolidone – drops 2.0%

Specific Authority 463.005, 463.0055(2)(a) FS. Law Implemented 463.0055 FS. History--New 3-30-87, Amended 4-5-88, 5-7-90, Formerly 21-18.002, Amended 5-10-92, 1-29-93, Formerly 21Q-18.002, Amended 8-31-93, 7-30-94, Formerly 61F8-18.002, Amended 2-11-96, 4-21-96, 1-12-97, 6-8-97, Formerly 59V-18.002, Amended 6-15-00, 6-7-05, 6-10-06, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NO.: 64E-2.018
 RULE TITLE: Trauma Registry

PURPOSE AND EFFECT: To notice proposed revisions to the Florida Trauma Registry Manual dated December 2005. This document is incorporated by reference in Rule 64E-2.018, F.A.C., pursuant to Section 395.404(1)(a), Florida Statutes. The proposed amendment to Rule 64E-2.018, F.A.C., changes the date of the Trauma Registry Manual to February 2008.

SUBJECT AREA TO BE ADDRESSED: Trauma Registry.

SPECIFIC AUTHORITY: 395.405 FS.

LAW IMPLEMENTED: 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Susan McDevitt, Director, Office of Trauma, Department of Health, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440,

Ext. 2760, email: susan_mdevitt@doh.state.fl.us; Fax: (850)488-2512. A copy of the proposed revisions to the Registry Manual can be obtained at: http://www.doh.state.fl.us/demo/trauma/notices.htm

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64E-2.018 Trauma Registry.

Instructions for completing and submitting data are defined in the Florida Trauma Registry Manual, ~~February 2008 December 2005~~, which is incorporated by reference and available from the department, as defined by subsection 64E-2.001(8), F.A.C.

Specific Authority 395.405, ~~401.35~~ FS. Law Implemented 395.3025(4)(f), 395.401, 395.4015, 395.402, 395.4025, 395.404, 395.4045, 395.405, 401.30, 401.35 FS. History—New 8-3-88, Amended 12-10-92, 11-30-93, Formerly 10D-66.103, Amended 7-14-99, 11-19-01, 6-3-02, 6-9-05, 4-25-06, _____.

DEPARTMENT OF HEALTH

Division of Environmental Health

RULE NOS.: RULE TITLES:

64E-11.002 Definitions
64E-11.013 Certificates and Fees

PURPOSE AND EFFECT: The purpose is to increase food hygiene program fees within the statutory limits. The effect will be to reduce the program’s operating deficit. Existing terms related to program fees will be defined, and new definitions will be added. The effect of this change will be to better clarify what establishments are subject to fees and when and how fees should be applied.

SUBJECT AREA TO BE ADDRESSED: Food hygiene program fees.

SPECIFIC AUTHORITY: 381.0072 FS.

LAW IMPLEMENTED: 381.0072 FS.

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

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Leslie L. Harris, Environmental Administrator, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277. 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: Leslie L.

Harris, Environmental Administrator, Bureau of Community Environmental Health, Department of Health, 4052 Bald Cypress Way, BIN A08, Tallahassee, Florida 32399-1712, (850)245-4277

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

DEPARTMENT OF HEALTH

Division of Family Health Services

RULE NO.: RULE TITLE:

64F-12.015 Licensing, Application, Permitting

PURPOSE AND EFFECT: The Department intends to review this section to make changes to all aspects of permitting licensing and inspection requirements. This will include, but not be limited to adding requirements for permits that have been created by statute since the last changes to this rule section were made and revising and updating application forms.

SUBJECT AREA TO BE ADDRESSED: Permitting, licensing and inspections.

SPECIFIC AUTHORITY: 499.01, 499.012, 499.0121(1), 499.0122, 499.013, 499.014, 499.028, 499.04, 499.041, 499.05, 499.62, 499.63, 499.64, 499.66, 499.67, 499.701 FS.

LAW IMPLEMENTED: 499.01, 499.012, 499.0121, 499.0122, 499.013, 499.028(6), 499.04, 499.004, 499.041, 499.05, 499.06, 499.006, 499.007, 499.052, 499.062, 499.063, 499.064, 499.066, 499.067 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Rebecca Poston R. Ph., Drugs, Devices and Cosmetics Program, 4052 Bald Cypress Way, Mail Bin C-04, Tallahassee, Florida 32399, (850)245-4292

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

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NOS.: RULE TITLES:

69A-37.403 Compliance with Other Applicable Laws, Rules
69A-37.404 Requirements for Live Fire Training for Certified Personnel
69A-37.405 Requirements for Live Fire Training During Recruit Training
69A-37.406 Certification Prerequisites for Live Fire Training Instructor Training

69A-37.407 Live Fire Training Instructor Training

69A-37.408 Live Fire Training Instructor Certification and Renewal

69A-37.409 Instructor Certification Revocation

PURPOSE AND EFFECT: To remove references to Firefighter I and II categories and adopt Parts I and II of the latest National Fire Protection Association standards for training.

SUBJECT AREA TO BE ADDRESSED: Firefighter I and updated training standards.

SPECIFIC AUTHORITY: 633.38(1)(a), 633.45(2)(a) FS.

LAW IMPLEMENTED: 633.35, 633.35(2), 633.38, 633.45, 633.45(1)(a), (b), 633.45(2)(a),(i), 633.101(1) FS.

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

DATE AND TIME: May 1, 2008, 6:00 p.m. – 9:30 p.m.

PLACE: Robert L. F. Sikes Public Library, 1445 Commerce Drive, Crestview, FL 32539, phone: (850)682-4432 or (850)682-8776, fax: (850)689-4778

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Charlie Brush at (352)369-2856. 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: Lesley Mendelson, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399 (850)413-3604

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

**Section II
Proposed Rules**

**DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development**

RULE NO.: 9B-3.050 RULE TITLE: Statewide Amendments to the Florida Building Code

PURPOSE AND EFFECT: To account for a new process by which the Florida Building Commission may amend the Florida Building Code utilizing only rule adoption procedures of Chapter 120, Florida Statutes, and to update the form for

submission of proposed amendments to accommodate additional capabilities and features of the Building Code Information System.

SUMMARY: The rule is amended to reflect an updated form for submission of code amendments, adding specific information about the effect of the proposed amendment on Code provision applicable to the High Velocity Hurricane Zone; and to accommodate the new statutory process for adopting amendments meeting specified criteria; specifically, eliminating the requirement for publication of amendments for 45 days before they are considered by a committee or the Commission.

Form for submission of code amendments and expedited code amendment process.

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: 553.73(3), (6), (7), (8) FS.

LAW IMPLEMENTED: 553.73(3), (6), (7), (8) FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.050 Statewide Amendments to the Florida Building Code.

(1) through (3) No change.

(4) For the purpose of amending the Florida Building Code, each proposed amendment to the Florida Building Code shall be submitted on the Code Amendment Proposal, Form No. 9B-3.047-2008, effective _____, 2004 available from the Building Code Information System at www.floridabuilding.org or by contacting the Codes and Standards Section, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399. The Code Amendment Proposal form shall be submitted online at www.floridabuilding.org and shall be reviewed by Commission staff for sufficiency. Commission staff shall ascertain 1) whether the amendment to the code has been submitted in legislative format, 2) if the rationale for amending the code has been provided, and 3) if all seven questions regarding fiscal and other impacts have been answered by the proponent. The term “NA” or “Not applicable” shall be considered an insufficient answer. If a proposed code amendment is submitted more than two weeks prior to the deadline established and staff finds the proposal to be insufficient, staff shall notify the proponent via email of the nature of its insufficiency and that if the proponent of the amendment elects to resubmit the proposal curing the insufficiency, it must be resubmitted prior to the deadline. Once a Code Amendment Proposal has been found sufficient, Commission staff shall verify such status online, enabling the Building Code Information System to show the proposal to the general public for comment. Code Amendment Proposals found insufficient shall not be verified or considered as building code amendments in the code amendment process.

(5) Each proposed amendment will be heard first by the appropriate Technical Advisory Committee, which will consider the proposal and all documentation submitted therewith, and consider whether to recommend approval by a 75% vote. If the proposal fails to achieve a 75% favorable vote, it is forwarded to the Commission for action based upon the applicable criteria. The Committee may modify the proposed amendment if it provides the documentation required by subsection 9B-3.047(6), F.A.C. After modification, the Committee must then vote whether to recommend adoption as amended. If the proposed amendment as modified fails to achieve a 75% favorable vote, the proposal is forwarded to the Commission for action.

(6) The Commission shall publish each proposed amendment on its website at www.floridabuilding.org at least 45 days prior to its consideration by the appropriate Technical Advisory Committee, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(2), F.S., and is not intended to extend the required rulemaking timeframes therein.

(7) The full Commission shall consider and vote upon each proposed amendment after consideration by at least one Technical Advisory Committee. The Commission may act on a consent agenda of those proposals which receive the required

75% vote at the Committee level to deny the amendment. The Commission must take action on all proposed amendments regardless of the Committee’s recommendation. The decision of the Commission to approve a proposed amendment shall be by 75% vote. Those proposals failing to meet the vote requirement shall not be adopted. The Commission may modify a proposed amendment, provided that the form required by subsection 9B-3.047(6), F.A.C., is amended to reflect the modification and supporting documentation is submitted.

(8) The Commission shall publish each proposed amendment on its website at www.dca.state.fl.us/fhcd/fbc at least 45 days prior to its consideration by the full Commission, except those amendments submitted pursuant to Section 553.73(7), F.S. This notice may run concurrently with the notice required by Section 120.54(3), F.S., and is not intended to extend the required rulemaking timeframes therein.

(9) Each amendment approved for adoption by the Florida Building Commission, except those amendments approved pursuant to Section 553.73(7), F.S., shall take effect no earlier than three months after the rule amendment is filed for adoption with the Department of State.

Specific Authority 553.73(3), (6), (7), (8) FS. Law Implemented 553.73(3), (6), (7), (8) FS. History—New 11-20-01, Amended 6-8-05, 2-28-06, 9-13-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.053
 RULE TITLE: Alternative Plans Review and Inspection Forms Adopted

PURPOSE AND EFFECT: To implement statutory directive concerning the format and content of information to be posted at a job site utilizing a private provider of building code inspection services and to update, clarify and correct the names and numbers of forms and their location on the Building Code Information System.

SUMMARY: The rule provides more precise numbering for forms adopted, explicitly specifies the location from which the forms may be obtained; specifies an effective date for each of the forms; and adds a form to be posted at a job site that identifies the authorized inspectors for that job.

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: 553.791(4), (5) FS.

LAW IMPLEMENTED: 553.791(4), (5) FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-2247

THE FULL TEXT OF THE PROPOSED RULE IS:

9B-3.053 Alternative Plans Review and Inspection Forms Adopted.

The following forms are adopted for use in conjunction with utilization of a private provider to perform plan review and inspection: and may be obtained on the internet at http://www.dca.state.fl.us/fbc/forms/1_forms.htm.

(1) Notice to Building Official of Use of Private Provider, Form Number 9B-3.053-2002-01, effective January 20, 2003;

(2) Private Provider Plan Compliance Affidavit, Form Number 9B-3.053-2002-02, effective January 20, 2003;

(3) Job Site Private Provider Identification Form, Form Number 9B-3.053-2005-01, effective February 1, 2006.

Specific Authority 553.791(4), (5) FS. Law Implemented 553.791(4), (5) FS. History–New 1-20-03, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)922-2247

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NOS.:	RULE TITLES:
9B-13.0041	Thermal Efficiency Standards Adopted
9B-13.0061	Effective Date

PURPOSE AND EFFECT: To require more energy efficient construction in Florida effective October 1, 2008, by amending the Florida Energy Efficiency Code for Building Construction.

SUMMARY: The reference document will require more energy efficient construction in Florida. As applied to commercial construction, the Energy Efficiency Code is amended to be consistent with ANSI/ASHRAE 90.1 – 2007, Energy Efficient Design of New Buildings Except Low-Rise Residential Buildings, ASHRAE Advanced Energy Design Guide for Small Office Buildings, ASHRAE Advanced Energy Design Guide for Small Retail Buildings and ASHRAE Advanced Energy Design Guide for K-12 School Buildings. As applied to residential construction, the performance method of compliance provided in the Code is amended to reflect a passing score of 85 rather than 100. The prescriptive means of compliance for residential compliance remains unchanged from current requirements. Interested parties should refer to the draft reference materials that may be obtained online at www.floridabuilding.org, or contacting the person identified in this notice.

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: 553.901 FS.

LAW IMPLEMENTED: 553.901, 553.903 FS.

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

DATE AND TIME: May 7, 2008, 8:30 a.m., or as soon thereafter as the matter is brought before the Commission in accordance with its agenda

PLACE: Crowne Plaza Hotel, Melbourne-Oceanfront, 2605 N. A1A Highway, Melbourne, Florida 32903

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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824. 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: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

THE FULL TEXT OF THE PROPOSED RULES IS:

9B-13.0041 Thermal Efficiency Standards Adopted.

~~(1) The design and fabrication of all new and renovated buildings, except as exempted herein, shall comply with the requirements of the Florida Energy Efficiency Code for Building Construction, 2008 Edition (the Code), is hereby adopted by reference promulgated by the State of Florida. The Florida Building Commission Department shall revise, update and maintain the Code. All new and renovated buildings, except as exempted herein, shall comply with the requirements of the 1997 Edition of the Code and the 1998 revisions, Form 600A-97 (Revised 1998), the FLA/RES 97 (Revised 1998) computer program, Form 600B-97 (Revised 1998) and Form 600C-97 (Revised 1998), herein incorporated into this rule by reference.~~

(2) A copy of the above referenced Code as amended has been filed with these rules with the Secretary of State. The Code is also available for reference and inspection at the Department offices in Tallahassee, Division of Housing and Community Development, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

Specific Authority 553.901 FS. Law Implemented 553.901, 553.903 FS. History—New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98, 9-12-00, _____.

9B-13.0061 Effective Date.

Specific Authority 553.901 FS. Law Implemented 553.901 FS. History—New 12-10-96, Amended 10-19-97, 1-19-98, 12-27-98, 9-12-00, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Ila Jones, Community Program Administrator, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)487-1824

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Janice Browning, Director, Division of Housing and Community Development

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 30, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF REVENUE

Sales and Use Tax

<p>RULE NOS.:</p> <p>12A-1.053</p> <p>12A-1.087</p>	<p>RULE TITLES:</p> <p>Electric Power and Energy Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes</p>
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PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule 12A-1.053, Florida Administrative Code (F.A.C.), Electric Power and Energy, is to provide that provisions for the exemption provided by Section 19, Chapter 2006-289, Laws of Florida (L.O.F.), and amended by Chapter 2007-56, L.O.F., for electricity used for the production or processing of agricultural farm products on a farm are provided in Rule 12A-1.087, F.A.C., as amended.

The purpose of the proposed amendments to Rule 12A-1.087, F.A.C. (Partial Exemption for Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes), is to: (1) incorporate the provisions of Sections 1-2, Chapter 2005-197, L.O.F., which provide an exemption for power farm equipment; (2) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; and (3) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds, because seeds are tax-exempt regardless of the type of seed or their use.

SUMMARY: The proposed amendments to Rule 12A-1.053, F.A.C. (Electric Power and Energy), provide reference to Rule 12A-1.087, F.A.C., for the exemption for electricity used for the production or processing of agricultural farm products on a farm.

The proposed amendments to Rule 12A-1.087, F.A.C. (Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes): (1) provide that “power farm equipment,” as defined in Chapter 2005-197, L.O.F., is exempt from tax, and change the rule title to reflect this statutory change; (2) remove obsolete definitions

of the terms “self-propelled,” “power-drawn,” and “power-driven” farm equipment; (3) eliminate the 2.5% tax rate imposed on certain equipment prior to July 1, 2005; (4) provide examples of power farm equipment qualifying for the exemption; (5) provide that the purchase, lease, or rental of power farm equipment that is purchased and invoiced as a single working unit is exempt, but when purchased separately only items qualifying as power farm equipment are tax-exempt; (6) provide examples of items purchased and invoiced as a single working unit that qualifies for the exemption for power farm equipment; (7) provide that generators and power units are included in the definition of power farm equipment; (8) eliminate obsolete provisions regarding generators; (9) eliminate the requirement for an exemption certificate to be issued by the purchaser to the seller for the purchase of tax-exempt seeds, including field, garden, and flower seeds; (10) provide requirements for the exemption provided by Section 19, Chapter 2006-289, L.O.F., and amended by Chapter 2007-56, L.O.F., for electricity used for the production or processing of agricultural farm products on a farm, including a definition of the term “used on a farm” and a suggested purchaser’s exemption certificate to be issued to electric utilities; (11) revise the suggested exemption certificate to incorporate the exemption provided for power farm equipment and a statement that the facts stated in the exemption certificate are true, to clarify the exemptions for generators, to remove the obsolete terms “self-propelled, power-drawn, or power-driven farm equipment,” and to remove the requirement to issue an exemption certificate to purchase seeds tax-exempt; and (12) provide technical changes.

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: 212.17(6), 212.18(2), 213.06(1) FS. LAW IMPLEMENTED: 212.02(2), (14)(c), (19), (30), (31), (32), 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (4), (5)(a), (e), (7)(j), 212.085, 212.18, 823.14(3) FS.

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

DATE AND TIME: May 19, 2008, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 S. Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

THE FULL TEXT OF THE PROPOSED RULES IS:

12A-1.053 Electric Power and Energy.

(1) through (3) No change.

(4) See Rule 12A-1.087, F.A.C., for requirements to claim the exemption for electricity used for the production or processing of agricultural farm products on a farm.

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(2), (19), 212.05(1)(e), 212.06(1)(a), (b), 212.08(4), (5)(e)2., (7)(j), 212.18(2) FS. History—Revised 10-7-68, 6-16-72, Amended 12-11-74, 10-18-78, 6-3-80, 12-23-80, 7-20-82, Formerly 12A-1.53, Amended 10-2-01, 4-17-03,_____.

12A-1.087 ~~Partial~~ Exemption for Power Farm Equipment; Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(1)(a) The sale, rental, lease, use, consumption, or storage for use of power self-propelled, power-drawn, or power-driven farm equipment is ~~exempt taxable at the rate of 2.5 percent~~. To qualify for ~~this the partial~~ exemption, the power farm ~~such~~ equipment must be used exclusively on a farm or in a forest in the agricultural production of crops or products as produced by those agricultural industries included in Section ~~§~~ 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products. Power Self-propelled, power-drawn, or power-driven farm equipment that is not purchased, leased, or rented for exclusive use in the agricultural production of agricultural products, or for fire prevention or suppression work with respect to such crops or products, does not qualify for ~~this partial~~ exemption. This ~~partial~~ exemption is not forfeited by moving qualifying power farm equipment between farms or forests.

(b) The exemption will not be allowed unless the purchaser furnishes the seller a written certificate that the purchased items qualify for the exemption limitation under Section ~~§~~ 212.08(3), F.S. The format of a suggested certificate is contained in subsection (10)(11).

~~(c) Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax in excess of 2.5 percent on sales of qualifying equipment purchased for a nonexempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.~~

(2) For purposes of this rule, the following definitions will apply:

(a) Agricultural industries, as defined in Section ~~§~~ 570.02(1), F.S., include aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(b) Agricultural production, as defined in Section ~~§~~ 212.02(32)(34), F.S., means the production of plants and animals useful to humans, including the preparation, planting, cultivating, or harvesting of these products or any other practices necessary to accomplish production through the harvest phase, and includes aquaculture, horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bees, and any and all forms of farm products and farm production.

(c) Aquaculture products, as defined in Section ~~§~~ 597.0015(3), F.S., means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(d) Cultivating means the nurturing or the fostering of growth of an agricultural crop or product, including the elimination of weeds. Examples of cultivating include, but are not limited to: feeding, fertilizing, plowing, pruning, and spraying agriculture crops or products.

(e) Forest, as defined in Section ~~§~~ 212.02(31)(33), F.S., means the land stocked by trees of any size used in the production of forest products, or formerly having such tree cover, and not currently developed for nonforest use.

(f) Harvesting means the act or process of cutting, reaping, digging up, or gathering an agricultural product or crop from a place where grown. Harvesting does not include the processing of crops or products.

(g) Processing means the act of changing or converting the nature of a product after it has been harvested.

(3)(a) The following is a nonexhaustive list of tax-exempt power self-propelled farm equipment, as defined in Section ~~§~~ 212.02(30), F.S., ~~means equipment that contains within itself the means for its own propulsion, including, but not limited to tractors. In addition to tractors, qualifying propelled farm equipment also includes, but is not limited to:~~

1. Aerators.

2. ~~(a)~~ All-terrain vehicles.

3. Augers.

4. Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.

5. Bale shredders.

6. ~~(b)~~ Backhoes.

7. ~~(c)~~ Boats and boat motors, purchased together or separately, for use in the agricultural production of aquaculture products on a farm. See subsection (4) of this rule regarding specific guidelines for persons engaging in aquaculture activities.

8. ~~(d)~~ Bulldozers.

9. Chainsaws.

10. ~~(e)~~ Combines.

11. Conveyers.

12. Corn, cotton, grain, and bean heads for use on combines.

13. Cultivators.

14. Disks.

15. Electric fans.

16. Feed mills (portable).

17. Feeding stations.

18. Feeding systems.

19. ~~(f)~~ Feller bunchers.

20. ~~(g)~~ Fertilizer Forest fertilizer spreaders.

21. Field trailers and wagons.

22. Forklifts, excluding forklifts used for processing farm products.

23. Front-end loaders.

24. Goats, as defined in Section 320.08(3)(d), F.S.

25. Harrows.

26. Harvesters.

27. Hay balers, hay cutters, hay rakes, and tedders.

28. ~~(h)~~ Traveling Irrigation equipment (traveling "gun-type" and center pivot irrigation systems), excluding replacement hoses and pipes that are not an integral part of the moving system.

29. Livestock feeders.

30. Log loaders.

31. Milking machines.

32. Motorized pumps.

33. Mowers.

34. Planters.

35. Plows.

36. Power units, including electric-powered, fuel-powered, or solar-powered motors or engines.

37. Scalpers.

38. Scrapers, graders, and grade boxes.

39. ~~(i)~~ Skid steer loaders.

40. ~~(j)~~ Skidders.

41. Sod cutters.

42. Sod harvesters.

43. Sprayers.

44. Spreaders.

45. Tractors.

46. Tree bedders.

47. Wood chippers (field type).

(b) The purchase, lease, or rental of power farm equipment which is invoiced as a single working unit that is used exclusively on a farm or in a forest, as provided in paragraph (1)(a), qualifies for the exemption. When the component parts

are invoiced separately, only those components that qualify for the exemption, as provided in paragraph (1)(a), may be purchased, leased, or rented tax-exempt.

1. Example: An irrigation supply system is purchased for use on a farm to provide water to an agricultural crop. The irrigation supply system, consisting of pumps, pipes, tubing, hoses, generator, motors, and other items, is purchased and invoiced as a single item at a single price. The purchase of the irrigation supply system is exempt.

2. Example: A farmer owns an irrigation supply system and wants to replace or update various components of the system. The farmer purchases an additional pump, a generator, and various hoses, pipe, and connectors in order to replace or update the system. The pump and generator qualify as power farm equipment, and these items may be purchased tax-exempt. The purchase of the various hoses, pipe, and connectors does not qualify as a purchase of power farm equipment and is subject to tax at the time of purchase.

(4)(a) Persons engaged in the agricultural production of aquaculture products qualify for the ~~partial~~ exemption on their purchase or lease of a boat or boat motor to be used exclusively for aquacultural purposes. To qualify for exemption, such person must be registered with the Department of Agriculture and Consumer Services under Section ~~§~~ 597.004, F.S., as a person engaged in aquaculture. For purposes of this rule, a farm includes submerged sites leased from the state under the authority of Section ~~§~~ 253.68, F.S., by a person engaged in aquaculture activities.

(b) Example: A clam farmer leases a submerged site from the state pursuant to Section ~~§~~ 253.68, F.S., and is certified under Section ~~§~~ 597.004, F.S., with the Department of Agriculture and Consumer Services. The clam farmer qualifies for the ~~partial~~ exemption on the purchase or lease of a boat used exclusively in the agricultural production of clams on the leased site. The exemption is not forfeited by moving boats between farms.

(5) Power drawn farm equipment, as defined in ~~s.~~ 212.02(31), F.S., means farm equipment that is pulled, dragged, or otherwise attached to self-propelled equipment, including, but not limited to, disks, harrows, hay balers, and mowers. In addition to the equipment included in the statutory definition, power drawn farm equipment also includes, but is not limited to:

- (a) Bale shredders.
- (b) Corn, cotton, grain, and bean heads for use on combines.
- (c) Cultivators.
- (d) Feed mills (portable).
- (e) Field trailers, wagons, and carts.
- (f) Front-end loaders.
- (g) Livestock feeders.
- (h) Log loaders.
- (i) Planters.

- (j) Plows.
- (k) Scalpers.
- (l) Scrapers, graders, grade boxes.
- (m) Sprayers.
- (n) Spreaders.
- (o) Tree bedders.
- (p) Wood chippers (field type).

(6) Power driven farm equipment, as defined in ~~s.~~ 212.02(32), F.S., means moving or stationary equipment that is dependent upon an external power source to perform its function, including, but not limited to, conveyors, augers, feeding systems, and pumps. In addition to the equipment included in the statutory definition, power driven farm equipment also includes, but is not limited to:

- (a) Aerators.
- (b) Automated potting, transplanting, seeding, soil mixing, and flat filling equipment.
- (c) Chain saws.
- (d) Milking machines.

(5)(7)(a) ~~Power Self-propelled and power drawn~~ farm equipment does not include vehicles (including vehicles without motive power, such as cattle trailers and log trailers) that are required to be licensed as a motor vehicle under Chapter 320, F.S. However, a motor vehicle licensed as a "goat" under Section 320.08(3)(d), F.S., is exempt.

(b) ~~Power Self-propelled and power drawn~~ farm equipment does not include equipment used for processing agricultural crops ~~or~~ and products.

(6)(8)(a) ~~Generators (excluding generators purchased for use on poultry farms), motors, and similar types of equipment used exclusively as a power source on a farm or in a forest, as provided in paragraph (1)(a), are exempt from tax to supply power to power driven farm equipment do not qualify as power driven farm equipment and are taxable at the 6 percent rate. Generators that are attached to and are sold as an integral part of the qualifying farm equipment qualify for the partial exemption. For example: a diesel-powered generator used to supply power to an irrigation pump qualifies for the exemption. A generator used to power equipment used in agricultural production also qualifies for the exemption.~~

1. Example: A diesel-powered generator used to supply power to an irrigation pump does not qualify, since it is the external power source that runs the qualifying equipment. The qualifying equipment in this example is the irrigation pump.

2. Example: A diesel powered irrigation pump that pumps water from a supply source qualifies as power-driven farm equipment. In some instances, a generator is attached to and is powered by the irrigation pump, and the generator supplies power to the moving irrigation system. In this example, since the generator is an integral part of the irrigation pump, it qualifies as power-driven farm equipment when sold as part of the pump.

(b) ~~4-~~ Generators purchased, rented, or leased for use on a poultry farm are exempt from sales tax under Section ~~s-~~ 212.08(5)(a), F.S. The exemption will not be allowed unless the purchaser or lessee issues to the seller a signed certificate stating the generator is purchased or leased for exclusive use on a poultry farm. ~~Although the Department does not furnish the printed form to be executed by farmers when purchasing qualifying generators, a suggested certificate is contained in subsection (11).~~

~~2. Dealers who accept in good faith the required certificate from the purchaser will not be assessed sales tax on sales of qualifying generators purchased for a non-exempt use. In such instances, the Department will look solely to the purchaser for any additional sales tax due.~~

~~(7)(9)~~ The ~~partial~~ exemption for power farm equipment does not apply to charges for repairs to farm equipment or to purchases of replacement parts for such equipment.

~~(8)(10)~~(a) The following sales and uses of liquefied petroleum gas, diesel, and kerosene are exempt when:

1. Sold for use in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.
2. Consumed in transporting farm vehicles and farm equipment between farms.
3. Sold for use to heat a structure in which started pullets or broilers are raised.
4. Sold for use to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

(b) Liquefied petroleum gas, diesel, and kerosene sold for use in any tractor or vehicle driven or operated upon the public highways of the state is subject to tax.

(9)(a) Electricity used for the production or processing of agricultural farm products on a farm is exempt. The exemption only applies if the electricity is separately metered from the electricity used for nonproduction or nonprocessing purposes. If the electricity is centrally metered and is used for both tax-exempt and taxable purposes, the purchase of the electricity is subject to tax. The indirect use of electricity, such as in employee break rooms or restrooms, repair sheds where farm equipment is repaired, or administrative offices located on a farm, qualifies for the exemption. However, when a retail establishment is located on a farm and the electricity is not separately metered from the electricity used elsewhere on the farm, the electricity is subject to tax.

(b) For purposes of this subsection, a farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(c) The exemption will not be allowed unless the purchaser furnishes its utility a written certificate stating that the electricity is used on a farm for the production or processing of agricultural farm products and qualifies for the exemption under Section 212.08(5)(e)2., F.S. The following is

a suggested format of a purchaser's exemption certificate to be issued to a utility company to make tax-exempt purchases of electricity used for this purpose:

SUGGESTED PURCHASER'S EXEMPTION
CERTIFICATE
ELECTRICITY USED FOR THE PRODUCTION
OR PROCESSING OF AGRICULTURAL
PRODUCTS ON A FARM

I certify that the electricity used on or after (DATE) from (UTILITY COMPANY) consumed through the following meter(s) will be used in the production or processing of agricultural farm products on a farm and is exempt from sales tax pursuant to Section 212.08(5)(e)2., Florida Statutes.

Meter Number(s): _____

I understand that if the electricity purchased does not qualify for exemption under Section 212.08(5)(e)2., Florida Statutes, then I must pay the tax on the purchase directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax, I will be liable for payment of the sales tax, plus a mandatory penalty of 200% of the tax, and will be liable for fine and punishment provided by law for conviction of a felony of the third degree, as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name and Title (Print or Type)

Purchaser's Address

Signature

Date

~~(10)(11)~~ Suggested Exemption Certificate for Items Used for Agricultural Purposes.

(a) Any person who purchases items that qualify for the ~~exemption limitation~~ under Section ~~s-~~ 212.08(3), F.S., must issue an exemption certificate to the selling dealer to purchase qualifying power farm equipment tax-exempt at the rate of 2.5 percent. Any purchaser who purchases items for agricultural purposes must also issue an exemption certificate to the selling dealer in lieu of paying tax. The exemption certificate must contain the purchaser's name and; address, the reason for which the use of the item qualifies for exemption based on its use, and the signature of the purchaser or an authorized representative of the purchaser.

(b) Seeds, including field, garden, and flower seeds are exempt. The purchaser is not required to issue an exemption certificate to the selling dealer to purchase seeds tax-exempt.

~~(c)~~(b) The selling dealer is only required to obtain one certificate for sales made for the purposes indicated on the certificate and is not required to obtain an exemption certificate for subsequent sales made to the same purchaser for the exempt purpose indicated on the exemption certificate. The selling dealer must maintain the required exemption certificates in its books and records until tax imposed by Chapter 212, F.S., may no longer be determined and assessed under ~~Section~~ § 95.091(3), F.S.

(d) Dealers who accept in good faith the required certificate from the purchaser or lessee will not be assessed sales tax on sales of power farm equipment or items for agricultural use or for agricultural purposes. In such instances, the Department will look solely to the purchaser or lessee for any additional sales or use tax due.

~~(e)~~(e) Selling dealers may contact the Department at (800)352-3671 ~~+(800)352-3671~~ to verify the specific exemption specified by the purchaser or lessee. Persons with hearing or speech impairments may call the Department's TDD, at (800)367-8331 or (850)922-1115 ~~+(800)367-8331~~.

~~(f)~~(d) The following is a suggested format of an exemption certificate to be issued by any person purchasing or leasing power farm equipment qualifying for exemption items that qualify for the limitation under Section ~~§~~ 212.08(3), F.S., or items that qualify for exemption as items for agricultural use or items for agricultural purposes. Exemption purposes listed on the suggested format that are not relevant to the purchaser or lessee may be eliminated from the certificate. The Department does not furnish the printed exemption certificate to be executed by purchasers or lessees when purchasing tax-exempt power farm equipment or items for agricultural use or for agricultural purposes.

**SUGGESTED PURCHASER'S EXEMPTION
CERTIFICATE**

**ITEMS FOR AGRICULTURAL USE OR FOR
AGRICULTURAL PURPOSES AND POWER CERTAIN
FARM EQUIPMENT**

This is to certify that the items identified below, purchased on or after _____(date) from _____(Selling Dealer's Business Name) are purchased, leased, licensed, or rented for the following purpose as checked in the space provided. This is not intended to be an exhaustive list:

- Cloth, plastic, or similar material used for shade, mulch, or protection from frost or insects on a farm.
- Fertilizers (including peat, topsoil, sand used for rooting purposes, peatmoss, compost, and manure, but not fill dirt), insecticides, fungicides, pesticides, and weed killers used for application on or in the cultivation of crops, groves, home vegetable gardens, and commercial nurseries.

Generators purchased, rented, or lease for exclusive use on a poultry farm. See the exemption category provided for power farm equipment, as defined in Section 212.02(30), F.S., which includes generators, motors, and similar types of equipment.

Insecticides and fungicides, including disinfectants, used in dairy barns or on poultry farms for the purpose of protecting cows or poultry or used directly on animals, as provided in Section ~~§~~ 212.08(5)(a), F.S.

Nets, and parts used in the repair of nets, purchased by commercial fisheries.

Nursery stock, seedlings, cuttings, or other propagative material for growing stock.

Portable containers, or moveable receptacles in which portable containers are placed, that are used for harvesting or processing farm products.

~~() Seeds, including field and garden seeds and flower seeds.~~

Seedlings, ~~Seeds, seedlings~~, cuttings, and plants used to produce food for human consumption.

Items that are used by a farmer to contain, produce, or process an agricultural commodity, such as: glue for tin and glass for use by apiarists; containers, labels, and mailing cases for honey; wax moth control with paradichlorobenzene; cellophane wrappers; shipping cases; labels, containers, clay pots and receptacles, sacks or bags, burlap, cans, nails, and other materials used in packaging plants for sale; window cartons; baling wire and twine used for bailing hay; and other packaging materials for one time use in preparing an agricultural commodity for sale.

Liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised.

Liquefied petroleum gas, diesel, or kerosene used to transport bees by water and in the operation of equipment used in the apiary of a beekeeper.

Liquefied petroleum gas, diesel, or kerosene used for agricultural purposes in any tractor, vehicle, or other farm equipment that is used exclusively on a farm for farming purposes.

Power farm ~~Self-propelled, power drawn, or power driven~~ equipment, when purchased, rented, or leased for exclusive use in the agricultural production of crops or products as produced by those agricultural industries included in Section ~~§~~ 570.02(1), F.S., or for fire prevention and suppression work with respect to such crops or products; ~~taxable at the rate of 2.5 percent.~~

Other (include description and statutory citation):

I understand that if I use the item for any purpose other than the one I stated, I must pay tax on the purchase or lease price of the taxable item directly to the Department of Revenue.

I understand that if I fraudulently issue this certificate to evade the payment of sales tax I will be liable for payment of the sales tax plus a penalty of 200% of the tax and may be subject to conviction of a third degree felony.

The exemption specified by the purchaser may be verified by calling (800)352-3671 ~~4(800)352-3671~~.

Under penalties of perjury, I declare that I have read the foregoing document and that the facts stated in it are true.

Purchaser's Name: _____

Purchaser's Address: _____

Name and Title of Purchaser's Authorized Representative: _____

Sales and Use Tax Certificate of Registration No. (if applicable): _____

By: _____

(Signature of Purchaser or Authorized Representative) _____

Title: _____

(Title – only if purchased by an authorized representative of a business entity)

Date: _____

Specific Authority 212.17(6), 212.18(2), 213.06(1) FS. Law Implemented 212.02(14)(c), (30), (31), (32), ~~(33), (34)~~, 212.05(1), 212.0501, 212.06(1), 212.07(5), 212.08(3), (5)(a), (e), 212.085, ~~823.14(3)~~ FS. History—Revised 10-7-68, 1-7-70, 6-16-72, Amended 10-18-78, 7-20-82, 4-12-84, Formerly 12A-1.87, Amended 12-13-88, 3-1-00, 6-19-01, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Richard Parsons, Tax Law Specialist, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4838

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mark Zych, Director, Technical Assistance and Dispute Resolution, P. O. Box 7443, Tallahassee, Florida 32314-7443; telephone number (850)488-2576

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 10, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 10, 2007 (Vol. 33, No. 32, pp. 3553-3559)

DEPARTMENT OF REVENUE

Division of Child Support Enforcement

RULE NO.: 12E-1.032 RULE TITLE: 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 these proposed rule revisions is to tell employers who are unable to pay support

electronically how they can request a waiver from the requirement to send support payments electronically and to describe the waiver process to be used by the Department.

SUMMARY: The proposed amendments to Rule 12E-1.032, Florida Administrative Code, contain procedures for waiving the statutory requirement that certain employers must remit support payments electronically. These rule amendments are based on 2007 legislative changes to subsection 61.1824(6), Florida Statutes, which: a) eliminated the provision that only employers with 10 or more employees have to electronically file child support payments based on an income deduction order (IDO); b) applied the same \$20,000 minimum annual tax payment threshold to determine which employers must electronically remit child support payments based on an IDO to the Department, as is used to determine which employers must remit taxes electronically to the Department; and, c) specified the grounds for the Department to approve a waiver.

The grounds for approving a waiver include: a) the employer doesn't have a computer that meets the minimum standards for electronically remitting payments; b) the employer needs more time to program his or her computer; c) the employer doesn't currently file data electronically with any business or government entity; d) compliance conflicts with the employer's business practices; or, e) compliance causes a financial hardship.

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: 61.1824(6), 409.2557(3)(o) FS.

LAW IMPLEMENTED: 61.1824(6) FS.

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

DATE AND TIME: May 6, 2008, 9:30 a.m.

PLACE: Room 258, 4070 Esplanade Way, Tallahassee, Florida Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE 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, scruggsp@dor.state.fl.us

THE FULL TEXT OF THE PROPOSED RULE 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 paragraph (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 6.1, revised October 9, 2007, Version 5.0, revised August 21, 2006, incorporated in this rule 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~~ 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, revised February 2008, incorporated in this rule 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.

1. Form CS-FM43, Electronic Remittance of Child Support Payments Waiver Approval Notice, revised February 2008, incorporated in this rule 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 no less than 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, revised February 2008, incorporated in this rule by reference, as the reminder notice.

2. Form CS-FM47, Electronic Remittance of Child Support Payments Waiver Denial Notice, revised February 2008, incorporated in this rule 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. 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.

(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, P. O. Box 8030, Tallahassee, FL 32314-8030, 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Phil Scruggs, Government Analyst II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030, telephone (850)922-9558, e-mail address scruggsp@dor.state.fl.us

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Sharyn Thomas, Revenue Program Administrator II, Department of Revenue, P. O. Box 8030, Tallahassee, Florida 32314-8030

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007, Vol. 33, No. 50, pp. 5859-5863. A workshop was held on January 9, 2008. Representatives of the Department attended, but no person appeared to ask questions or make comments. No written comments have been received by the Department.

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.: 33-602.701
 RULE TITLE: Use of Blue Lights and Sirens
 PURPOSE AND EFFECT: The purpose and effect of proposed Rule 33-602.701, F.A.C., is to implement amendments to Sections 316.003 and 316.2397, F.S., which allow the department to designate vehicles as law enforcement vehicles and operate blue lights and sirens.

SUMMARY: The proposed rule designates Department of Corrections vehicles as law enforcement vehicles according to amendments to Sections 316.003 and 316.2397, F.S. and allows the Department of Corrections to operate blue lights and sirens. The proposed rule language designates when lights only shall be used and when lights and sirens shall be used, the responsibilities of department staff, and the training required of department staff operating department vehicles.

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: 316.2397 FS.

LAW IMPLEMENTED: 316.003, 316.072, 316.2397 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: Jamie Leigh Jordan, Office of the General Counsel, Department of Corrections, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE FULL TEXT OF THE PROPOSED RULE IS:

33-602.701 Use of Blue Lights and Sirens.

(1) Authorized Emergency Vehicles: The following vehicles shall be authorized to have and operate blue lights and a siren under the circumstances set out in subsections (1), (2), and (3) of this rule:

(a) Designated emergency response vehicles assigned to the Office of the Inspector General;

(b) Primary and secondary canine unit vehicles, not to exceed three vehicles per facility; or

(c) Vehicles specifically designated for use to "trail" external EMS transports, not to exceed two per facility.

(2) Use of Blue Lights Only:

(a) Incidents of this nature do not require and staff will not use audible emergency warnings. These incidents include:

1. Responding to the report of non-life threatening injuries or minor disturbances at external work areas, etc.;
 2. Participating in escape simulation drills, or other similar drills where a visual warning may be necessary to alert the general public; or
 3. Working in accord with local law enforcement agencies.
- (b) Under no circumstances will a vehicle displaying only blue lights, not operating a siren, exceed posted speed limits or disregard traffic laws.

(3) Use of Blue Lights and Siren:

(a) Blue lights and a siren shall be utilized in unison when responding to the following types of emergency situations.

1. Escapes from secure custody;
2. When providing armed escort to emergency vehicles such as ambulances transporting inmates when those emergency vehicles are operating lights and sirens; or
3. When working with other law enforcement agencies in emergency situations, when such assistance has been requested by the law enforcement agency.

(b) The driver of any authorized emergency vehicle displaying blue lights and using the siren may exercise privileges granted under Section 316.072, F.S., but only under the following conditions and except when otherwise directed by a law enforcement officer. The driver may:

1. Park or stand, irrespective of the provisions of Chapter 316, F.S.;
2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
3. Exceed the maximum speed limits, so long as the driver does not endanger life or property; and
4. Disregard regulations governing direction or movement or turning in specified directions, so long as the driver does not endanger life or property.

(c) The foregoing provisions will not relieve the driver from the duty to drive with due regard for the safety of all persons, nor will such provisions protect the driver from the consequences of his or her reckless disregard for the safety of others. Additionally, all staff engaged in any emergency response situation shall comply with the following procedures:

1. Stop for all stop signs and red traffic lights and proceed only after all other vehicles have yielded the right-of-way.
2. Speed will not exceed 15 MPH over the posted speed limit unless circumstances exist that would provide for the safe operation of the vehicle at higher speeds and the gravity of the situation so warrants. Speed entering and exiting a tollbooth shall never be greater than the posted speed limit or if not posted 15 MPH.

3. In the event of an equipment failure that could result in the unsafe operation of the vehicle during an emergency response mode, such emergency response mode shall be terminated and the appropriate institutions control room will be notified.

(d) Under no circumstances will the siren or any other audible device be operated alone, independent of displaying blue lights.

(4) Use of Vehicles in Recapture Efforts: The department has a "no motor vehicle pursuit" policy.

(a) Motor vehicle pursuits will be handled by the law enforcement agencies involved in the recapture efforts.

(b) If an escapee is detected and flees in a motor vehicle, the detecting correctional officer will immediately communicate this information to the assisting agencies and allow them to take over any pursuit of a motor vehicle.

(c) The correctional officer will obtain as much descriptive information as possible of the suspect vehicle (location, direction of travel, color, make of vehicle, model of vehicle, tag, and occupant description).

(5) Responsibilities:

(a) It will be the responsibility of the warden or inspector general to:

1. Ensure that all officers assigned as drivers for emergency vehicles utilizing blue lights and sirens are properly trained in the safe operation of emergency vehicles and have completed an emergency vehicle operations course or the reasonable equivalent as approved by the department;

2. Ensure that all emergency vehicles are maintained in good condition;

3. Ensure those officers utilized as drivers for emergency vehicles have not, within the past three years, been convicted of reckless driving or driving under the influence of alcohol or controlled substances, and have not had their driver's license suspended under the point system provided for in Chapter 322, F.S.;

4. Ensure those officers utilized as drivers for emergency vehicles possess a valid State of Florida driver's license;

5. Ensure officers utilized as drivers for emergency vehicles maintain American Safety and Health Institute CPR certification or its equivalent; and

6. Cause a periodic inspection of drivers to ensure continued compliance with the foregoing.

(b) It will be the responsibility of the driver of a designated department emergency vehicle to:

1. Advise his or her supervisor of any change to his or her driving status; i.e., suspended license, etc.;

2. Advise his or her supervisor of any physical or mental defect, disease or condition that would adversely affect or impair his or her ability to drive an emergency vehicle; (This

includes the taking of an prescription or over the counter medication which may impair a person's reaction time, cause drowsiness, or any other mental or physical impairment.)

3. Comply with all provisions of this rule and state Uniform Traffic Control laws of Chapter 316, F.S.

(6) Training:

(a) The Bureau of Staff Development will design and implement emergency vehicle operation course of no less than sixteen hours. This training will mirror that which is currently afforded law enforcement students in certified law enforcement academies. This course may be condensed in order to better suit the department's needs, but will provide students with advanced driving techniques and a clear understanding of current law and legal expectations.

(b) Correctional officers who have attended and successfully completed a certified law enforcement crossover course and have their certificates of certification as law enforcement officers on file with the department will be considered as meeting this training requirement. In the event there is no cross over emergency vehicle operation course, the additional department training will be required.

(c) The Bureau of Staff Development will ensure this course is updated annually or as needed based on current state Uniform Traffic Control laws, Chapter 316, F.S.

(d) The course of study will be mandatory for all persons prior to operating any vehicle equipped with blue lights and siren, and will be documented in each person's personnel file and training record.

Specific Authority 316.2397 FS. Law Implemented 316.003, 316.072, 316.2397 FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
James Upchurch, Chief, Security Operations
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Richard Davison, Deputy Secretary
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 22, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

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 the amendment to 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 the Family and Supported Living Waiver Provider Rate Table, January 1, 2008.

SUMMARY: The purpose of the amendment to 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.

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

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

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.906, 409.908 FS.

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

DATE AND TIME: Monday, May 5, 2008, 2:00 p.m. – 4:00 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 IS: Pamela Kyllonen, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)414-9756, kyllonep@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE 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 _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pamela Kyllonen

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Holly Benson, Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 14, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Florida Land Sales, Condominiums and Mobile Homes

RULE NO.: RULE TITLE:

61B-24.006 Economic Information

PURPOSE AND EFFECT: This rule amendment deletes references to form numbers appearing on division educational brochures. It also deletes a provision that relieves the developer of certain requirements when the division is unable to provide the developer with copies of educational brochures. Instead, the developer may print copies of the brochures from the division’s website or request copies directly from the division.

SUMMARY: This rule addresses educational materials that must be provided to tenants by a developer when a condominium is created by conversion of existing improvements. The rule amendment deletes form numbers and provides developers with the option of downloading copies of the brochures from the division’s website.

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: 718.501(1)(f), 718.614(2) FS.

LAW IMPLEMENTED: 718.501(1)(e), 718.614(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: May 5, 2008, 9:00 a.m.

PLACE: The Northwood Centre, Suite 16, Conference Room, 1940 N. Monroe Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Sharon A. Malloy, Senior Management Analyst II at (850)488-1631. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Sharon A. Malloy, Senior Management Analyst II, Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32311-1030, (850)488-1631

THE FULL TEXT OF THE PROPOSED RULE IS:

61B-24.006 Economic Information.

In addition to the economic information required by subsection Sections 718.614(1) and (2), Florida Statutes, each developer shall provide tenants with a copy of the following educational brochures: “Condominium and Cooperative Conversions,” revised January, 2006 Form DBR 335; “Condominium Living in Florida,” revised November 6, 2003 Form DBR 336; and “A Guide to Purchasing a Condominium Unit,” revised October, 2005 Form DBR 337. A developer may request these brochures from the division or may download and print copies from the division’s internet website. The division shall provide each developer with adequate copies of these forms upon request. When the division is unable to provide a developer with forms, the developer is relieved of the requirements of this subsection.

Specific Authority 718.501(1)(f), 718.614(2) FS. Law Implemented 718.501(1)(e), 718.614(2) FS. History—New 7-2-81, Formerly 7D-24.06, 7D-24.006, Amended 2-22-94, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Cochran, Director, and Division of Florida Land Sales, Condominiums and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-1030

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Chuck Drago, Interim Secretary, Department of Business and Professional Regulation

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 25, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 30, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: RULE TITLE:

61G6-8.001 Fees

PURPOSE AND EFFECT: The purpose and effect is to adjust an application and renewal fee.

SUMMARY: An application and renewal fee is adjusted.

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

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

SPECIFIC AUTHORITY: 455.217(2), 455.219(1), 489.507(3), 489.509 FS.

LAW IMPLEMENTED: 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

THE FULL TEXT OF THE PROPOSED RULE IS:

61G6-8.001 Fees.

The following fees are prescribed by the Board:

(1) The application fee for the certification examination for electrical or alarm systems contractor shall be two hundred dollars ~~one hundred and fifty dollars (\$200.00 150.00)~~. The initial examination fee for the Technical/Safety examination for electrical or alarm systems contractor shall be one hundred twenty-seven dollars and fifty cents (\$127.50) payable to the Department. The initial examination fee for the Business Computer-Based Test shall be twenty-two dollars and fifty cents (\$22.50) payable to the professional testing service. When the computer-based testing (CBT) business portion of the examination is not conducted by a professional testing service pursuant to Section 455.2171, F.S., the entire examination fee shall be payable to the Department.

(2) The initial application fee for licensure by endorsement as a certified unlimited electrical contractor shall be two hundred dollars ~~one hundred and fifty dollars (\$200.00 150.00)~~.

(3) The fee for issuance, renewal or reinstatement of certification for electrical contractor or alarm systems contractor shall be two hundred ninety-five ~~fifty~~ dollars (\$295.00 ~~250.00~~).

(4) No change.

(5) The initial fee for registration shall be one hundred fifty dollars (\$150.00 ~~100.00~~).

(6) No change.

(7) The fee for renewal of registration shall be one hundred twenty dollars (\$120.00 ~~100.00~~).

(8) through (15) No change.

Specific Authority 455.217(2), 455.219(1), 489.507(3), 489.509 FS. Law Implemented 119.07(1)(a), (b), 455.217(2), 455.219(1), 455.2281, 455.271(8), 489.509, 489.511(2) FS. History—New 1-2-80, Amended 10-27-80, 5-13-81, 5-3-82, 8-4-82, 5-2-83, 1-19-84, Formerly 21GG-8.01, Amended 7-9-86, 12-24-87, 10-30-88, 2-20-89, 8-26-90, 4-1-91, 7-3-91, Formerly 21GG-8.001, Amended 3-14-94, 11-30-94, 4-5-95, 7-13-95, 12-25-96, 6-1-97, 3-10-98, 12-31-98, 10-4-99, 12-27-04, _____.

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

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

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 14, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 21, 2008

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Professional Engineers

RULE NO.: RULE TITLE:

61G15-18.011 Definitions

PURPOSE AND EFFECT: Purpose and effect is to add a new definition for "principal officers of the business organization" for purposes of Section 471.023, F.S.

SUMMARY: A new definition for "principal officers of the business organization" for purposes of Section 471.023, F.S. is added.

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: 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS.

LAW IMPLEMENTED: 471.003(2)(f), 471.003(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) 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:

61G15-18.011 Definitions.

As used in Chapter 471, F.S., and in these rules where the context will permit the following terms have the following meanings:

(1) through (5) No change.

(6) The term "principal officer(s) of the business organization" as used in Section 471.023(1), Florida Statutes, means the (a) President, Vice President, Secretary or Treasurer of the Corporation, or Limited Liability Company (LLC); or (b) any other officer who has management responsibilities in the corporation or LLC, as documented by the corporate charter or bylaws so long as such documentation provides that such officer is empowered to bind the corporation or LLC in all of its activities which fall within the definition of the practice of engineering as that term is defined in Section 471.003(7), Florida Statutes.

Specific Authority 471.003(2)(f), 471.008, 471.013(1)(a)1., 2. FS. Law Implemented 471.003(2)(f), 471.003(7), 471.005(6), 471.013(1)(a)1., 2., 471.023(1), 471.025(3), 471.033(1)(j) FS. History—New 6-23-80, Amended 12-19-82, 11-22-83, Formerly 21H-18.11, Amended 1-16-91, 4-4-93, Formerly 21H-18.011, Amended 12-22-99, 4-19-01, 10-16-02, 9-15-04, _____.

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: December 6, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 7, 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 HEALTH
Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-7.008
RULE TITLE: Requirements to be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders

PURPOSE AND EFFECT: The Board proposes the rule repeal because there is no longer statutory authority for this rule.

SUMMARY: There is no longer any statutory authority for this rule, therefore the Board is repealing this 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: 491.004(5), 947.005(9), 948.001(6) FS.

LAW IMPLEMENTED: 947.005, 948.30 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-7.008 Requirements to Be a Qualified Practitioner for Completing Risk Assessments and Treatment of Sexual Offenders.

~~(1) In order to be a qualified practitioner for completing risk assessments for sexual offenders, one must hold an active license under Chapter 491, F.S., or be supervised by a practitioner licensed under Chapter 491, F.S.~~

~~(2) A qualified practitioner under this rule shall possess 55 hours of post degree education in the following core areas:~~

- ~~(a) Etiology of sexual deviance;~~
- ~~(b) Evaluation/risk assessment and treatment of adult and adolescent sexual offenders that have established scientific bases;~~
- ~~(c) Evaluation/risk assessment and treatment of specialized populations of sexual offenders (i.e., female and developmentally delayed);~~
- ~~(d) Physiological measures of sexual arousal;~~
- ~~(e) Sexual offender and DSM-IV diagnosis;~~
- ~~(f) Safety planning/Family Safety planning;~~
- ~~(g) Report writing;~~
- ~~(h) Evaluation and treatment of victims;~~
- ~~(i) Legal and ethical issues in the evaluation and treatment of sexual offenders;~~
- ~~(j) Co-morbidity and substance abuse issues.~~

~~(3) Have documented 2,000 hours of post degree experience in the evaluation and treatment of sexual offenders.~~

~~(4) A qualified practitioner under this rule must complete 20 hours of biennial continuing education in the assessment, evaluation and treatment of sexual offenders; relapse prevention, experience and training in working with victims; and related legal and ethical issues.~~

Specific Authority 491.004(5), 947.005(9), 948.001(6) FS. Law Implemented 947.005, 948.30 FS. History—New 8-2-06, Repealed _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 1, 2008

DEPARTMENT OF HEALTH
Board of Opticianry

RULE NO.: 64B12-8.020
RULE TITLE: Disciplinary Guidelines

PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify violations and recommended penalties for disciplinary guidelines.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify violations and recommended penalties for disciplinary guidelines.

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

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

SPECIFIC AUTHORITY: 456.072(2)(d), 456.079, 484.005 FS.

LAW IMPLEMENTED: 456.072, 456.079, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

64B12-8.020 Disciplinary Guidelines.

(1) through (3) No change.

(4) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 484.014(1)(t), F.S., by violating any of the following Board rules, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
<u>(a) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.</u>	<u>(a) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(a) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(a) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(b)(a) Failure to give notice of withdrawal of services pursuant to Rule 64B12-10.003, F.A.C.</u>	<u>(b)(a) From reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(b)(a) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(b)(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
<u>(c) Failure to identify through written notice or orally to a patient the type of license under which the practitioner is practicing pursuant to Rule 64B12-10.0035, F.A.C.</u>	<u>(c) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(c) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>

(d)(b) Failure to properly keep and transfer prescription files pursuant to Rule 64B12-10.006, F.A.C.	(d)(b) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(d)(b) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(d)(b) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(e)(e) Failure to assure that duplicate prescription forms contain the information required by Rule 64B12-10.0065, F.A.C.	(e)(e) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(e)(e) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(e)(e) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(f)(d) Failure to maintain the equipment required by Rule 64B12-10.007, F.A.C.	(f)(d) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(f)(d) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(f)(d) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
<u>(g) Failure to provide change of address, pursuant to Rule 64B12-10.012, F.A.C.</u>	<u>(g) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</u>	<u>(g) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</u>	<u>(g) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u>
(e) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Department will enter a cease and desist order. (456.065(2) and 484.013(1)(b), F.S.)	(e) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.	(e) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.	(e) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(f) Failure to return certificates and licenses to the Department.	(f) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(f) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(f) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(g) Failure to pay any civil penalty imposed by order of the Board within thirty days of the effective date of the order as required by Rule 64B12-8.017, F.A.C.	(g) From reprimand to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(g) From probation to suspension of the license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(g) From suspension to revocation of license until such time as the fine has been paid and the licensee personally appears before the Board, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.
(h) – (m) No change.	(h) – (m) No change.	(h) – (m) No change.	(h) – (m) No change.
(n) Failure to provide change of address, pursuant to Rule 64B12-10.012, F.A.C.	(n) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(n) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(n) From reprimand to suspension of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

(5) When the Board finds an applicant or licensee whom it regulates under Chapter 484, F.S., has violated Section 456.013(2), 456.063(3), 456.065(2), or 484.013(1)(b), or Section 456.072, F.S., by violating any of the following

provisions, it shall issue a final order imposing appropriate penalties within the ranges recommended in the following disciplinary guidelines:

VIOLATIONS	RECOMMENDED PENALTIES		
	First Offense	Second Offense	Third Offense
(a) Failure to return certificates and licenses to the Department. (456.013(2), F.S.)	(a) From a letter of concern to reprimand of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.	(a) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.	(a) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.

<p>(b)(a) Failure to report allegations of sexual misconduct to the department, regardless of the practice setting in which the alleged sexual misconduct occurred. (456.063(3), F.S.)</p>	<p>(b)(a) From reprimand to suspension of the license, and an administrative fine ranging from \$1,500.00 to \$5,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>	<p>(b)(a) From probation to suspension of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>	<p>(b)(a) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure. If fraud or making a false or fraudulent representation is proven, the administrative fine is \$10,000.00.</p>
<p><u>(c) Failure to have a licensed optician on the business premises at any time that opticianry is being practiced. Should the violator be an unlicensed person, the Department will enter a cease and desist order. (456.065(2) and 484.013(1)(b), F.S.)</u></p>	<p><u>(c) From a reprimand to probation of the license, and an administrative fine ranging from \$250.00 to \$750.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From probation to suspension of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>	<p><u>(c) From suspension to revocation of license, and an administrative fine ranging from \$750.00 to \$1,000.00, or refusal to certify an application for licensure.</u></p>
<p>(d)(b) Making misleading, deceptive, or fraudulent representations in or related to the practice of opticianry. (456.072(1)(a), F.S.)</p>	<p>(d)(b) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p>(d)(b) From probation to revocation of the license, and an administrative fine ranging from \$3,000.00 to \$5,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p>(d)(b) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, and if fraudulent representations are proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(e)(e) Failing to comply with the educational course requirements for human immunodeficiency virus and acquired immune deficiency syndrome. (456.072(1)(e), F.S.)</p>	<p>(e)(e) From letter of concern to reprimand of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</p>	<p>(e)(e) From reprimand to probation of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(e)(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>

<p>(f)(4) Having been found liable in a civil proceeding for knowingly filing a false report or complaint with the department against another licensee. (456.072(1)(g), F.S.)</p>	<p>(f)(4) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p>(f)(4) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(f)(4) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(g)(e) Aiding, assisting, procuring, employing, or advising any unlicensed person or entity to practice opticianry contrary to Chapters 484 and 456, F.S., or the rules of the department or the board. (456.072(1)(j), F.S.)</p>	<p>(g)(e) From reprimand to suspension of the license, and an administrative fine ranging from \$2,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(g)(e) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p>(g)(e) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(h)(4) Failure to perform legal obligation. (456.072(1)(k), F.S.)</p>	<p>(h)(4) From reprimand to suspension of the license, and an administrative fine ranging from \$500.00 to \$2,500.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>	<p>(h)(4) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>	<p>(h)(4) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure. If the violation is for fraud or making a false or fraudulent representation, the administrative fine is \$10,000.00.</p>
<p>(i)(g) Making deceptive, untrue, or fraudulent representations in or related to the practice of a profession or employing a trick or scheme in or related to the practice of a profession. (456.072(1)(m), F.S.)</p>	<p>(i)(g) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p>(i)(g) From probation to suspension of the license, without the ability to reapply, and an administrative fine ranging from \$3,000.00 to \$5,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>	<p>(i)(g) From suspension to revocation of license, without the ability to reapply, and an administrative fine ranging from \$5,000.00 to \$10,000.00, and if fraudulent representation(s) is proven, an administrative fine of \$10,000.00, or refusal to certify an application for licensure.</p>

<p>(j)(h) Practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities the licensee knows, or has reason to know, the licensee is not competent to perform. (456.072(1)(o), F.S.)</p>	<p>(j)(h) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p>(j)(h) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(j)(h) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(k)(+) Delegating or contracting for the performance of professional responsibilities by a person when the licensee delegating or contracting for performance of such responsibilities knows, or has reason to know, such person is not qualified by training, experience, and authorization when required to perform them. (456.072(1)(p), F.S.)</p>	<p>(k)(+) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$2,500.00, or refusal to certify an application for licensure.</p>	<p>(k)(+) From probation to revocation of the license, and an administrative fine ranging from \$2,500.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(k)(+) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(l)(+) Improperly interfering with an investigation or inspection authorized by statute, or with any disciplinary proceeding. (456.072(1)(r), F.S.)</p>	<p>(l)(+) From reprimand to probation of the license, and an administrative fine ranging from \$500.00 to \$1,000.00, or refusal to certify an application for licensure.</p>	<p>(l)(+) From probation to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(l)(+) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>

<p>(m)(k) Engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full, and informed consent to verbal or physical sexual activity. (456.072(1)(v), F.S.)</p>	<p>(m)(k) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(m)(k) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p>(m)(k) From suspension to revocation of license, and an administrative fine ranging from \$5,000.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(n)(t) Failing to report to the board, or the department if there is no board, in writing within 30 days after the licensee has been convicted or found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction. (456.072(1)(x), F.S.)</p>	<p>(n)(t) From reprimand to suspension of the license, and an administrative fine ranging from \$1,000.00 to \$5,000.00, or refusal to certify an application for licensure.</p>	<p>(n)(t) From probation to revocation of the license, and an administrative fine ranging from \$5,000.00 to \$7,500.00, or refusal to certify an application for licensure.</p>	<p>(n)(t) From suspension to revocation of license, and an administrative fine ranging from \$7,500.00 to \$10,000.00, or refusal to certify an application for licensure.</p>
<p>(o)(m) Termination from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, F.S. Termination can be for failure to comply with the terms of the monitoring or treatment contract entered into by the licensed practitioner, failure to successfully complete any drug treatment or alcohol-treatment program, or termination from a monitoring or treatment contract without good cause. (456.072(1)(hh), F.S.)</p>	<p>(o)(m) From reprimand to suspension of the license, and an administrative fine ranging from \$250.00 to \$500.00, or refusal to certify an application for licensure.</p>	<p>(o)(m) From probation to revocation of the license, and an administrative fine ranging from \$500.00 to \$750.00, or refusal to certify an application for licensure.</p>	<p>(o)(m) From suspension to revocation of the license, and an administrative fine ranging from \$750.00 to \$1,000.00 or refusal to certify an application for licensure.</p>

(6) through (7) No change.

Specific Authority 456.072(2)(d), 456.079, 484.005 FS. Law Implemented 456.072, 456.079, 484.014 FS. History—New 3-5-87, Amended 3-30-89, 4-22-90, 12-23-90, 1-27-93, Formerly 21P-8.020, Amended 5-2-94, Formerly 61G13-8.020, 59U-8.020, Amended 12-3-01, 3-16-04, 5-25-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Board of Opticianry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF HEALTH

Board of Opticianry

RULE NO.: 64B12-8.021 RULE TITLE: Citations
PURPOSE AND EFFECT: The Board proposes the rule amendment to delete unnecessary language and to add language to clarify citations and fines being assessed for violations.

SUMMARY: The rule amendment will delete unnecessary language and to add language to clarify citations and fines being assessed for violations.

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

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

SPECIFIC AUTHORITY: 456.077, 484.005 FS.
LAW IMPLEMENTED: 456.035(1), 456.073, 456.077, 484.014 FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Foster, Executive Director, Board of Opticianry/MQA, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258

THE FULL TEXT OF THE PROPOSED RULE IS:

- 64B12-8.021 Citations.
- (1) through (2) No change.
- (3) The Board hereby designates the following as citation violations, which shall result in the indicated penalty:
 - (a) through (1) No change.

(m) Failing to file complete reports and information timely, as required by Rule 64B12-16.008, F.A.C., \$200.00; ~~and~~

(n) Failing to provide change of address, pursuant to Rule 64B12-10.012, F.A.C., \$200.00; ~~and~~

(o) Failing to identify the type of license under which the practitioner is practicing. The fine shall be \$200.00. (See Rule 64B12-10.0035, F.A.C.; Section 456.072(1)(t), F.S.).

(4) through (5) No change.

Specific Authority 456.077, 484.005 FS. Law Implemented 456.035(1), 456.072, 456.073, 456.077, 484.014 FS. History—New 1-19-92, Amended 5-27-92, Formerly 21P-8.021, Amended 5-2-94, Formerly 61G13-8.021, Amended 12-4-95, Formerly 59U-8.021, Amended 8-6-97, 6-14-01, 8-16-04, 8-28-05, 6-29-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
The Board of Opticianry
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Board of Opticianry
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 4, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 29, 2008

DEPARTMENT OF HEALTH

Board of Speech-Language Pathology and Audiology

RULE NO.: 64B20-2.003 RULE TITLE: Provisional License; Requirements
PURPOSE AND EFFECT: The Board proposes the rule amendment to clarify the time limit for the validity of a provisional license.

SUMMARY: The time limit for the validity of a provisional license will be clarified.

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

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

SPECIFIC AUTHORITY: 468.1135(4) FS.
LAW IMPLEMENTED: 468.1145(2), 468.1155(4) FS.

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

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pamela E. King, Executive Director, Board of Speech Language Pathology, 4052 Bald Cypress Way, Bin C06, Tallahassee, Florida 32399-3256

THE FULL TEXT OF THE PROPOSED RULE IS:

64B20-2.003 Provisional License; Requirements.

(1) through (4) No change.

(5) A provisional license shall be valid for a period of 21 ~~18~~ months from the date of issuance or until a license to practice Speech-Language Pathology or Audiology pursuant to Section 468.1185, F.S. is issued.

Specific Authority 468.1135(4) FS. Law Implemented 468.1145(2), 468.1155(4) FS. History--New 3-14-91, Amended 12-4-91, Formerly 21LL-2.003, Amended 11-30-93, Formerly 61F14-2.003, Amended 9-26-95, Formerly 59BB-2.003, Amended 11-20-07, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Speech Language Pathology

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Speech Language Pathology

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 7, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 7, 2008

FLORIDA HOUSING FINANCE CORPORATION

RULE NOS.:	RULE TITLES:
67-57.005	Definitions
67-57.010	Fees
67-57.030	Membership Application Procedures
67-57.040	Property Standards
67-57.050	HOP Program Restrictions
67-57.060	Eligible Homebuyer Requirements
67-57.070	Homebuyer Loan Process

PURPOSE AND EFFECT: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers. The Rule and adopted reference materials are necessary and appropriate for the efficient administration of the Program.

SUMMARY: This rule establishes the procedures by which the Florida Housing Finance Corporation shall administer the Homeownership Pool (HOP) Program which provides down payment and closing costs assistance to eligible homebuyers.

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: 420.507(12), (14) FS.

LAW IMPLEMENTED: 420.507(23), 420.5088, 420.5089 FS.

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

DATE AND TIME: Wednesday, May 7, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Florida Housing Finance Corporation, Seltzer Conference Room, 6th Floor, 227 North Bronough Street, Tallahassee, Florida 32301

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Cristal Baer-Penik (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Cristal Baer-Penik, Homeownership Programs Senior Analyst, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301, (850)488-4197

THE FULL TEXT OF THE PROPOSED RULE IS:

67-57.005 Definitions.

(1) through (29) No change.

(30) “Living Space” means areas in a dwelling unit that are livable space. This does not include closets, crawl spaces, and other storage areas.

(30) through (32) renumbered (31) through (33) No change.

(34) “Manufactured Home” means a single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards administered by the U.S. Department of Housing and Urban Development (HUD). A manufactured house may be single- or multi-sectional and is transported to the site and installed on a permanent foundation.

(34) through (37) renumbered (35) through (39) No change.

(40) “Personal Assets” means cash held in savings accounts, checking accounts, safe deposit boxes; equity in rental property and other capital investments; cash value of stocks, bonds, Treasury bills, money market accounts; cash value of life insurance policies; personal property held as an investment; lump sum payments or one time receipts such as inheritance or insurance settlements; mortgages or deeds of trust held by homebuyer.

(38) through (41) renumbered (41) through (44) No change.

(45) “Retirement Assets” means individual retirement and Keogh accounts, retirement and pension funds.

(42) through (52) renumbered (46) through (56) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New 6-26-06, Amended 10-14-07,_____.

67-57.010 Fees.

(1) The Corporation shall collect a HOP Membership Application fee of \$500 from all entities when applying to become a Member of the pool for the HOP program. Thereafter, Members must pay an annual renewal fee of \$50, due January 31st of each year.

(2) through (4) No change.

(5) Member shall be charged a failed inspection fee of \$500 for all homes inspected by FHFC that have been determined to not have been built in compliance with HOP Property Standards per rule chapter 67-57.040, F.A.C. Non-compliant home(s) must be brought into compliance and the assessed fee must be paid before the HOP Loan will close. This fee cannot be passed on to the Eligible Homebuyer.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New 6-26-06, Amended 10-14-07,_____.

67-57.030 Membership Application Procedures

(1) In order to participate in the HOP program, the Applicant must first apply to become a Member by meeting the requirements of the HOP Membership Application (“HOPMBR101 (5/01/08 9/1/07)”), which is adopted and incorporated herein by reference and is available on the Corporation’s Website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) through (4) No change.

(5) At each annual renewal Annually, beginning January 31, 2008, Members must notify FHFC renew their membership by advising of any changes to the development team or organization structure and paying a \$50 renewal fee by January 31st of each year.

(6) Failure to advise of any changes to the development team or organization structure or failure to pay the renewal fee will result in the inactivation termination of the membership of the Member.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New 6-26-06, Amended 10-14-07,_____.

67-57.040 Property Standards.

(1) No change.

(a) through (c) No change.

(d) Energy Star rated power vented fans or range hoods that exhaust to the exterior;

(e) Florescent lighting fixtures or compact florescent bulbs in all lighting fixtures;

(f) Double or knife hinges on bottom cabinet doors that enables full 180 degree opening;

(g) through (j) renumbered (d) through (g) No change.

(h)(k) Cable or satellite TV hookups (minimum of 2) located within 12" of an electrical outlet;

(k) through (p) renumbered (h) through (m) No change.

(n) (q) Toggle-type or rocker style switches for lights and fans;

(o) All living spaces must be equipped with overhead lighting;

(p)(r) Width of All interior doors used for ingress/egress must be a minimum of 34 (2' x 10") or larger. Any door other than a traditional hinged door such as: pocket doors, bi-fold doors, and double doors; must provide for at least a 32" minimum clear width entry;

(q)(s) At least one accessible means of egress/ingress, which may be waived for manufactured housing Units and Units built in Area(s) of Critical State Concern. For Units consisting of two or more levels, all space on the entry level of the Unit must meet the requirements of paragraphs (1)(a)-(r) above. At least one full bathroom and one bedroom must meet the requirements of paragraphs (1)(a)-(r) if there is not a full bathroom and a bedroom on the entry level; and:

(r) For Units consisting of two or more levels, all space on the entry level of the Unit must meet the requirements of paragraphs (1)(a)-(q). On the second level at least one full bathroom and one bedroom must meet the requirements of paragraphs (1)(a)-(q) if there is not a full bathroom and a bedroom on the entry level; and:

(s)(t) Provide a home maintenance manual that includes information on basic home a routine maintenance plan; manuals for all installed instructions for all appliances, HVAC operation, water system turnoffs, lighting equipment, and information on how to use and maintain the green features of the home, including paving materials and landscaping, and encourage additional green activities such as recycling, gardening and use of healthy cleaning materials.

(2) Effective January 1, 2009 all new construction Units, excluding Self Help Units, must be certified to one of the following green building practices: EnergyStar, Florida Green Building Coalition, or Leadership in Energy and Environmental Design (LEED). Also effective January 1, 2009, excluding Self Help Units, (e) listed in Property Standard from paragraph 1 will no longer be applicable.

(3)(2) No change.

(a) Outdoor lights are photovoltaic, low voltage, or have motion detector;

(b) through (d) renumbered (a) through (c) No change.

(4)(3) No change.

(a) through (e) No change.

(5)(4) No change.

(a) through (f) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History—New 6-26-06, Amended 10-14-07,_____.

67-57.050 HOP Program Restrictions

(1) All Units must be new construction which have not been previously occupied except that Members that are counties and eligible municipalities that are administrators recipients of SHIP funding may make reservations for Eligible Homebuyers for HOP funds on Units that are currently in the process of Substantial Rehabilitation.

(2) through (3) No changes.

(4) Eligible participants include non-profit organizations, as defined in Internal Revenue Code of 1986 (26 USC 42, subsection 501(c)(3) or 501(c)(4)) and organized under Chapter 617, F.S., if a Florida Corporation, or under similar state law if organized in a jurisdiction other than Florida, for-profit organizations acting solely as the developer / builder, Community Housing Development Organizations (CHDOs) approved by Florida Housing Finance Corporation, counties and eligible municipalities that are administrators recipients of SHIP funding, and the United States Department of Agriculture – Rural Development (USDA-RD), which has been approved by the Corporation to participate in the HOP program.

(5) through (13) No change.

(a) through (b) No change.

(c) The Model Energy Code requirements are met or exceeded as enumerated in 2007 2005 Florida State Energy Code (which exceeds 2006 International Energy Conservation Code which is more stringent than Section 101 of the Energy Policy Act of 1992).

(14) through (16) No change.

(a) through (e) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,_____.

67-57.060 Eligible Homebuyer Requirements.

(1) No change.

(a) through (d) No change.

(e) Not have Personal Assets in excess of \$30,000 \$50,000 and Retirement Assets in excess of \$100,000, excluding equity contributions toward the Unit;

(f) No change.

(g) Comply with the HOP Homebuyer Underwriting Guidelines (5/1/08 9/1/07), which are adopted and incorporated herein by reference and available at <http://www.floridahousing.org/Home/Developers/HomeownerShipPrograms/HOP>.

(2) No change.

(a) through (c) No change.

(3) No change.

(4) The Corporation will consider resubordinating its HOP Loan to a first mortgage loan when a refinancing occurs. In making a determination, the Corporation will review the

following terms of the new transaction: loan type, term of the loan, fixed interest rate percentage, ~~type of interest rate (variable or fixed)~~, principal balance of the loan, reason for the request and whether or not the terms of the new loan are beneficial to the homebuyer.

(a) No change.

(1) through (4) No change.

(b) No change.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History–New 6-26-06, Amended 10-14-07,_____.

67-57.070 Homebuyer Loan Process.

(1) Once construction on the Unit has begun, Members shall reserve homebuyer financing, on a loan-by-loan basis, by providing the required date of foundation inspection on the HOP Homebuyer Reservation (“HOPRES201 (5/01/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at: <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>.

(2) Within fourteen (14) Calendar Days of making the reservation, unless a Member is subject to subsection 8 or 9 below, Members must submit to the Corporation a copy of the building permit and the Corporation must approve the completed Environmental Checklist (“HOPENV301 (5/1/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP> or the reservation will be cancelled.

(3) through (5) No change.

(a) through (d) No change.

(e) Copy of as-built property appraisal; ~~and~~

(f) Copy of purchase contract and any addendums; ~~and~~

(g) Copy of approval page generated from the HUD Income Calculator.

(6) through (7) No change.

(a) through (b) No change.

(c) Proof of title insurance; ~~and~~

(d) Amenities certification; ~~and~~

(e) Certification from EnergyStar, Florida GreenBuilding Coalition or LEED (effective January 1, 2009).

(8) Members using Self Help under USDA-RD Section 502 financing can make reservations four (4) weeks prior to the homebuyer closing. After making ~~Within ten (10) Calendar Days of receiving~~ the reservation, the borrower analysis package, must be sent to Loan Servicing for review and approval. In addition, the HOP Self-Help / CHDO Checklist (“HOPSelfHelpCHDO302 (5/01/08 9/1/07)”), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP>, or other acceptable documentation must be

sent to the Corporation within fourteen (14) days of the reservation date. Upon approval, the closing can occur and funds will be held in escrow by the Corporation.

(9) Members that have been certified as a CHDO are able to make reservations in the name of the homebuyer prior to starting construction on a new home. After making the reservation, the HOP Self-Help / CHDO Checklist ("HOPSelfHelpCHDO302 (5/01/08)"), which is adopted and incorporated into this rule chapter by reference and which is available on our website at <http://www.floridahousing.org/Home/Developers/HomeownershipPrograms/HOP> must be sent to the Corporation within fourteen (14) days of the reservation date accompanied by a copy of the construction contract which covers the building of the Unit. If the construction contract provided is for 12 or more Units, the CHDO must provide evidence from a third party that the construction of these Units are in compliance with Labor Standards as enumerated in 24 CFR § 92.354 and 40 U.S.C. 3142-3144, 3146 & 3147 (Davis-Bacon) and all other applicable labor regulations and laws. All costs and fees associated with compliance monitoring for the Davis-Bacon Act and other labor regulations and laws are the responsibility of the CHDO Member.

Specific Authority 420.507(12), (14) FS. Law Implemented 420.507(23), 420.5088, 420.5089(2) FS. History--New 6-26-06, Amended 10-14-07,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Cristal Baer-Penik, Homeownership Programs Senior Analyst
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: David R. Westcott, Deputy Development Officer
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: April 2, 2008
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: Vol. 34, No. 3, January 18, 2008

DEPARTMENT OF FINANCIAL SERVICES

Division of Consumer Services

RULE NO.: 69J-2.003
RULE TITLE: Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms

PURPOSE AND EFFECT: The proposed rule defines terms used in the rule and in Section 627.7015, F.S., and specifies the information that shall be submitted by an insured in order to initiate mediation. This amendment also makes clerical revisions to the existing rule, and addresses other matters relating to the mediation program governed by the rule.

SUMMARY: Definitions of "claim," "dispute," and "filed" are provided and procedures specified to clarify when the duty of an insurer to provide notice to an insured of the right to mediation attaches pursuant to Section 627.7015, F.S. The rule

provides that an insurer must provide notice of the right to mediate within 5 business days of receiving a description of a dispute involving material fact regarding an insured's reported hurricane loss, upon remitting a claim amount less than the lowest estimate submitted by the insured, with a notice of whole or partial denial, or if the insurer has not made a decision within 60 days of being informed about the loss.

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: 624.308 FS.

LAW IMPLEMENTED: 624.307, 627.7015 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, May 8, 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: Tom Valentine, (850)413-4140. 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: Tom Valentine, Assistant General Counsel, Department of Financial Services 200 East Gaines Street, Tallahassee, Florida 32399, (850)413-4140

THE FULL TEXT OF THE PROPOSED RULE IS:

69J-2.003 Lines Insurance Claims Arising from the 2004 and 2005 Hurricanes and Tropical Storms.

(1) No change.

(2) Definitions. The following definitions apply to the terms of this rule as used herein, and in Section 627.7015, Florida Statutes, except when defined by that section.

(a) No change.

(b) "Claim", as used in subsection (3), below, means a reported hurricane loss involving any material fact on which there is a dispute or for which the insurer has refused payment in whole or in part. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does

not include a dispute with respect to the instances described in Section 627.7015(9), F.S. means any matter on which there is a dispute or for which the insurer has denied payment. Unless the parties agree to mediate a claim involving a lesser amount, a "claim" involves the insured requesting \$500 or more to settle the dispute, or the difference between the positions of the parties is \$500 or more, in either case, notwithstanding any applicable deductible. "Claim" does not include a dispute with respect to which the insurer has reported allegations of fraud, based on an investigation by the insurer's special investigative unit, to the Department's Division of Insurance Fraud.

(c) No change.

(d) "Dispute" means a disagreement involving a material fact between the insurer and the insured regarding the settlement of a hurricane loss, pursuant to Section 627.7015, F.S. "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

(e) "Filed" means the insurer has received proper notification of a dispute involving a material fact from the insured or the Department at a location identified by the insurer for hurricane claims reporting. "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(f) "Mediator" means an individual selected by the Department to mediate disputes pursuant to this rule. The mediators will be selected from a panel of circuit court – civil certified mediators approved by the Florida Supreme Court pursuant to the Florida Rules of Certified and Court-Appointed Mediators or from the list of approved mediators pursuant to Rule 69B-166.031, F.A.C.

(g) "Party" or "Parties" means the insured and his or her insurer, including Citizens Property Insurance Corporation, when applicable.

(3) Notification of Right to Mediate; Procedures.

(a) Responsibilities of the Insurer.

1. Upon receiving a verbal or written description of a dispute involving a material fact regarding an insured's reported hurricane loss, and the information described in subparagraphs (4)(a)1. and 2. below, the insurer shall provide a notification of right to mediate to the insured within five business days.

2. If the insurer has not been notified of a claim as defined herein prior to the time an insurer notifies the insured that a reported hurricane loss has been denied in whole or in part, the insurer shall mail a notice of the right to mediate to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate if a claim or

reported hurricane loss is denied because the amount of the claim is less than the insured's deductible, based upon the estimate submitted by the insured.

3. If, after accepting the reported hurricane loss, the insurer remits a settlement amount less than the lowest estimate submitted by the insured, the insurer shall enclose a notification of right to mediate to the insured with the remittance.

4. After receiving the information described in subparagraphs (4)(a)1. and 2., below, the insurer has not rendered a decision regarding the reported hurricane loss within 60 days, the insurer shall mail a notification of right to mediate to the insured.

5. Regardless of the current status of the insured's claims file, in all cases where the requirements of subparagraphs (3)(a)1. and 2., above, have not been met and a supplemental claim has been filed, the insurer shall mail a notification of right to mediate to the insured. However, in no event will an insurer be required to send more than one notification for any single claim or supplemental claim. The insurer shall mail notice of the right to mediate disputed claims within five (5) days of the time the insured or the Department notifies an insurer of a dispute regarding the insured's claim. If the insurer has not been notified of a disputed claim prior to the time an insurer notifies an insured that a claim has been denied in whole or in part, the insured shall mail a notice of the right to mediate disputed claims to the insured in the same mailing as a notice of denial. An insurer is not required to send a notice of the right to mediate disputed claims if a claim is denied because the amount of the claim is less than the insured's deductible.

(b) Responsibilities of the Insured.

1. In order to qualify to receive a notice of the right to mediate in those instances where the insurer has not rendered a decision within 60 days on the reported hurricane loss, the insured must provide to the insurer or the Department, a description of the dispute, the name, address, e-mail address, and daytime telephone number of the insured, the location of the property if different from the address given, and the claim and policy number for the insured;

2. In those instances in which the insured has accepted a settlement amount without benefit of a notice of the right to mediate, and the insured should have received such notice by virtue of having triggered the requirements of paragraph (3)(a), above, the insured, after receiving such notice, shall submit a supplemental claim in order to perfect their right to mediation.

(c) Responsibilities of the Department.

1. If the Department is informed by an insured that a dispute involving a material fact exists with respect to settlement of an insured's reported hurricane loss, the Department will endeavor to assist the insured in providing and transmitting the information described in subparagraphs (4)(a)1., 2., and 3., below to the insurer.

2. In the event an insurer fails to comply with the requirements of paragraph (3)(a), above, the Department will take administrative action pursuant to Section 624.307, Section 626.9561, and Subsections 626.9571-626.9601, F.S. to achieve insurer compliance with the requirements of this rule.

~~(d)~~~~(b)~~ The mailing that contains the notice of the right to mediate may include the Department’s consumer brochure on mediation but no other materials, forms, or documents may be included. Notification shall be in writing and shall be legible, conspicuous, and printed in at least 12-point type. The first paragraph of the notice shall contain the following statement: “~~Alex Sink Tom Gallagher~~, Chief Financial Officer for the State of Florida, has adopted a rule to facilitate the fair and timely handling of residential property insurance claims arising out of the hurricanes that have recently devastated so many homes in Florida. The rule gives you the right to attend a mediation conference with your insurer in order to settle any dispute you have with your insurer about your claim. An independent mediator, who has no connection with your insurer, will be in charge of the mediation conference. You can start the mediation process 21 days after the date of this notice by calling the Department of Financial Services at ~~1(800)227-8676 (1(800)22-STORM)~~ 1(877)MYFLCFO or (1(877)693-5236).”

~~(e)~~~~(e)~~ The notice shall also:

1. through 4. No change.

(4) Procedures for Requesting Mediation Request for Mediation.

(a) By the Insured. After 21 days from the date of the notice of the right to mediation, an insured may request mediation by contacting the insurer or by calling the Department at 1(877)MYFLCFO or (1(877)693-5236) ~~1(800)22-STORM (1(800)227-8676)~~; by faxing a request to the Department at (850)488-6372; or by writing to the Department of Financial Services, Mediation Section, Bureau of Education, Advocacy, and Research, Tallahassee, Florida 32399-4212. Alternatively, an insured may request mediation prior to receipt of the notice of the right to mediation if they meet certain requirements. If an insured requests mediation prior to receipt of the notice of the right to mediation or if the date of the notice cannot be established, the insurer shall be notified by the Department of the existence of the dispute 21 days prior to the Administrator processing the insured’s request for mediation. Upon such request, in order to be scheduled for mediation, the insured shall should provide the following information if known:

1. ~~The n~~Name, address, e-mail address, and daytime telephone number of the insured and location of the property if different from the address given;

2. through 5. No change.

If an insurer receives a request for mediation, the insurer shall fax the request to the Department’s Mediation Section within 48 hours of receipt of the request. The Department will

forward requests to the Administrator within 24 hours of receipt of the request. The Administrator shall notify the insurer within 48 hours of receipt of requests filed with the Department. In instances where the insured has requested mediation prior to receiving a notice of the right to mediation, and has provided the information described above, upon notification, the Administrator shall process the request for mediation no less than 21 days thereafter.

(b) No change.

(5) through (14) No change.

Specific Authority 624.308, 626.9611, 627.7015(4) FS. Law Implemented 624.307(1), (2), (4), (5), 624.317, 624.318, 624.324, 626.859, 626.874, 626.877, 626.9541(1)(a), (e), (i), (u), 626.9561, 626.9641(1)(g), 627.7015 FS. History–New 7-26-06, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tom Valentine, Assistant General Counsel, Division of Legal Services, Department of Financial Services

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Karen Chandler, Deputy Chief Financial Officer, Division of Consumer Services, Department of Financial Services

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 28, 2008

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 11, 2008

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:

6A-1.0011

RULE TITLE:

Data Collection Activities,

Instruments, Forms and Instructions

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 12, March 21, 2008 issue of the Florida Administrative Weekly.

The date and time of the public hearing on rule 6A-1.0011 was inadvertently omitted. The public hearing will be held on April 15, 2008, at 9:00 a.m., Turlington Building, Room 1703/07, Tallahassee, Florida.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.:

9B-70.002

RULE TITLE:

Commission Approval and

Accreditation of Advanced

Building Code Training Courses

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. 34, No. 8, February 22, 2008 issue of the Florida Administrative Weekly.

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

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, or equivalent as specified below, or ~~and~~ possesses an active license issued pursuant to Section 471.015, 481.213, 481.311; 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Equivalent expertise or proficiency under this provision shall include:

(a) A four year college degree or graduate degree in the field for which approval is sought;

(b) A letter verifying work experience in the field for which approval is sought from a person who supervised the applicant; or

(c) A letter verifying employment and specific position of the applicant in the field for which approval is sought from the applicant's employer.

(2) No change.

Specific Authority 553.841(2) FS. Law Implemented 553.841 FS. History--New 6-8-05, Amended 4-30-07,_____.

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.: 33-402.101
 RULE TITLE: Dental Services – General
 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. 34, No. 7, February 15, 2008 issue of the Florida Administrative Weekly.

33-402.101 Dental Services – General.

(1) through (7)(c) No change.

(d) Level IV dental care represents advanced dental services that may be available on a limited basis.

1. This level of dental care is available to inmates on an as-needed basis after completion of Level III services and successful demonstration of a plaque free index score of 90 percent ~~or of~~ greater for two consecutive months. If an inmate cannot demonstrate that he or she is following an acceptable oral hygiene program advanced dental therapy will not be considered.

(d)2. through (9) No change.

(10) Missed Appointments. Inmates who do not keep their dental appointments shall be rescheduled except for the following:

(a) All inmates having two non-security related no-shows in a row or ~~having~~ have a history of no-shows shall be brought to the dental clinic to determine their desire to continue dental care;

(b) All inmates having three non-security related no-shows within a six appointment time span shall be removed from the dental treatment list and will not be rescheduled again for routine or comprehensive dental care unless a written request is submitted for continuation for dental care. The inmate will be placed on the appointment waiting list and will not be given preferential appointments unless the inmate's overall health would be adversely affected ~~with dental treatment~~ by delaying dental treatment.

Specific Authority 944.09, 945.6034, 945.6037 FS. Law Implemented 466.001, 466.003, 466.017, 466.023, 466.024, 944.09, 945.6034, 945.6037 FS. History--New_____.

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-4.091
 RULE TITLE: Publications Incorporated by Reference

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

On February 29, 2008, the St. Johns River Water Management District published a Notice of Proposed Rule in the Florida Administrative Weekly, Vol. 34, No. 9, pages 1143 and 1144.

In the Purpose and Effect section the District cited “Section 704.04(6), F.S.,” incorrectly. The statutory citation should have been “Section 704.06(4), F.S.” By this Notice of Correction, the St. Johns River Water Management District hereby corrects this citation to read Section 704.06(4), F.S.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01016 Shelf Plans and Schematics of Shelf Plans

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01017 Educational Seminars

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01019 Proof of Insurance Coverage

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01020 Draft Cleaning

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01021 Returns of Damaged Products

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01022 Returns of Undamaged Products

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Division of Alcoholic Beverages and Tobacco

RULE NO.: RULE TITLE:
61A-1.01023 Warehousing

NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 3, January 18, 2008 issue of the Florida Administrative Weekly.

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 3, 2007 ~~August 17, 2007~~

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Electrical Contractors’ Licensing Board

RULE NO.: RULE TITLE:
61G6-10.0015 Standards of Practice

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. 51, December 21, 2007 issue of the Florida Administrative Weekly.

The changes were approved by the Board on March 14, 2008 to address additional concerns raised by the Board and at a hearing on this rule. The changes are as follows:

1. Subsections (1)(b) and (c) and (2) shall now read as follows:

(b) An electrical or alarm system contractor shall maintain documentation of his or her verification of licensure of all entities or persons that he or she engages or contracts for the performance of electrical or alarm system contracting as defined by Section 489.505(9), F.S. At a minimum, documentation shall include proof of the entities' or persons' current Florida certification or registration.

(c) An electrical or alarm system contractor shall obtain applicable local building department permits prior to performing any electrical or alarm system contracting, unless otherwise exempted pursuant to Section 489.503, F.S.

(2) It shall constitute negligence, incompetence, and/or misconduct in the practice of electrical or alarm system contracting, as set forth in Section 489.533(1)(f), F.S., for an electrical or alarm system contractor to fail to comply with the standards of practice set forth above.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Anthony B. Spivey, Executive Director, Electrical Contractors' Licensing Board, Northwood Centre, 1940 N. Monroe Street, Tallahassee, Florida 32399

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 Environmental Health

RULE NO.: 64E-2.018 RULE TITLE: Trauma Registry
NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol 34, No. 11, March 14, 2008 issue of the Florida Administrative Weekly has been withdrawn.

FISH AND WILDLIFE CONSERVATION COMMISSION

Vessel Registration and Boating Safety

RULE NO.: 68D-16.029 RULE TITLE: Derelict Vessel Removal Grant Program
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. 34, No. 8, February 22, 2008, 2008 issue of the Florida Administrative Weekly. The Derelict or Abandoned Vessel Report form has been revised to no longer request the social security number of the registered owner of a derelict vessel. Paragraph (2) of the

proposed rule has been amended to change the date of the form from October 2005 to March 2008. No other changes have been made.

DEPARTMENT OF FINANCIAL SERVICES

Division of Funeral, Cemetery, and Consumer Services

RULE NO.: 69K-1.002 RULE TITLE: Fingerprint Requirement and Waiver
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. 34, No. 9, February 29, 2008 issue of the Florida Administrative Weekly.

When adopted, subsection (6) will read:

(6)(a) The Department uses the fingerprint cards of the United States Department of Justice, Federal Bureau of Investigation, Form No. FD-258 (rev. 5-11-99), which is incorporated by reference in Rule 69K-1.001, F.A.C. Applicants shall obtain this fingerprint card form from the Department with a pre-stamped ORI number to ensure that fingerprint results are sent to the correct agency. Fingerprint cards shall be obtained from the Department prior to submitting an application by calling (850)413-3039.

(b) The fingerprints shall be taken by a law enforcement officer, as defined in Section 943.10, F.S., or by an employee of a law enforcement agency whose duty it is to perform fingerprint services for the public.

(c) The completed fingerprint cards shall be mailed to the Department of Financial Services, Division of Funeral, Cemetery, and Consumer Services, 200 East Gaines Street, Tallahassee, Florida 32399-0361.

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NO.: 69O-144.007 RULE TITLE: Credit for Reinsurance From Eligible Reinsurers
NOTICE OF CORRECTION

Notice is hereby given that the following correction has been made to the proposed rule in Vol. 34, No. 14, April 4, 2008 issue of the Florida Administrative Weekly.

The following information was omitted from the above noticed proposed rule:

NAME OF PERSON ORIGINATING PROPOSED RULE: Ray Spudeck, P&C Financial Oversight, Office of Insurance Regulation, E-mail ray.spudeck@fldfs.com.
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2007

FINANCIAL SERVICES COMMISSION

OIR – Insurance Regulation

RULE NOS.:	RULE TITLES:
69O-204.010	Purpose and Scope
69O-204.020	Definitions
69O-204.030	Forms Incorporated By Reference
69O-204.040	Prohibited Practices
69O-204.070	Anti-Fraud

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. 50, December 14, 2007 issue of the Florida Administrative Weekly.

69O-204 VIATICAL SETTLEMENT PROVIDERS

69O-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 _____.

69O-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) “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 viaticated 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 _____.

69O-204.030 Forms Incorporated By Reference.

(1) The following forms are incorporated by reference to implement the provisions of Chapter 626, Part X, Florida Statutes.

(a) Form OIR-A3-1288, Viatical Settlement Provider Annual Report (REV 3/08).

(b) Form OIR-C1-1294, Notice of Intent to Use a Related Provider Trust (REV 10/05).

(2) All of the above referenced forms are available from the Office’s website, <http://www.floir.com>, by clicking on “search” and entering the form number.

(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 _____.

69O-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 _____.

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 _____.

**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:
53ER08-20 Payment of Prizes

SUMMARY: This emergency rule replaces Emergency Rule 53ER07-68 and sets forth the procedures that the Florida Lottery shall apply to awarding prizes.

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:

53ER08-20 Payment of Prizes.

(1) Claiming Prizes. For purposes of this rule, the provisions for claiming a prize as set forth in paragraph 24.115(1)(f), F.S., will be deemed satisfied upon the claimant meeting the following requirements:

(a) On-line Game Prizes.

1. For on-line game prizes, the claimant must submit the winning on-line ticket for validation at a Lottery office or retailer on or before the 180th day after the winning drawing. Winning on-line tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 180th day after the winning drawing.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated on-line winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 210th day after the winning drawing. If the claimant chooses to submit the validated on-line winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 210th day after the winning drawing. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 210th day after the winning drawing shall result in forfeiture of the prize.

(b) Instant Game Prizes.

1. For instant game prizes, the claimant must submit the winning instant ticket for validation at a Lottery office or retailer on or before the 60th day after the official end of the game. Winning instant tickets submitted to the Lottery by mail for validation must be addressed to the Lottery's prize payment address in an envelope postmarked on or before the 60th day after the official end of the game.

2. If the claimant is not paid at the time of ticket validation, he or she must submit the validated instant winning ticket, along with the documents specified in paragraph (14)(c) below, for prize payment at a Lottery office on or before the 90th day after the official end of the game. If the claimant chooses to submit the validated instant winning ticket for prize payment by mail, the ticket and all required documents must be sent to the Lottery's prize payment address and received by the Lottery on or before the 90th day after the official end of the game. Failure of a claimant to submit all required documentation, and receipt by the Lottery thereof, on or before the 90th day after the official end of the game shall result in forfeiture of the prize.

(2) Prize Payment Address. The Lottery's prize payment address is: Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(3) Risk of Mailing Tickets. A person who mails a winning ticket shall bear the risk that the U.S. Postal Service or other carrier may fail to timely postmark or deliver the ticket to the Lottery, or both.

(4) Winning Tickets Submitted to the Address for a Drawing. Winning tickets submitted to the address for a drawing for a game or promotion will not be paid or honored unless selected during the drawing. The time periods provided in subparagraphs (1)(a)1. and 2. and (1)(b)1. and 2. shall also apply to this subsection.

(5) Unclaimed Prizes. If a winning ticket is not submitted for validation within the applicable time period, or if a validated ticket is not submitted to the Lottery for prize payment within the applicable time period, the prize shall constitute an unclaimed prize and shall be distributed as required by law. Unclaimed prizes shall not be distributed to other winners within the same prize pool.

(6) Free Ticket Claims – Florida Claimants. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is inside the state of Florida will be mailed a prize of a ticket as follows:

(a) If the ticket submitted for payment is an instant lottery ticket, the claimant will receive an instant lottery ticket or combination of tickets having the same total retail sales price as the instant lottery ticket submitted for prize payment. The free ticket(s) may or may not be from the same instant game in which the prize was won.

(b) If the prize is a free on-line game quick pick ticket, the claimant will receive a free on-line game quick pick ticket, from the same on-line game in which the prize was won, for the next drawing after the ticket is validated; or if the free on-line game ticket is part of an on-line game multi-play ticket, the claimant will receive prize payment in accordance with the provisions of subsection (20) below.

(7) Free Ticket Claims – Claimants Outside Florida. A person who submits by mail a lottery ticket that entitles the claimant to a prize of a "ticket" or "free ticket" and whose mailing address is outside the state of Florida will receive a check in the amount of the retail sales price of the ticket in lieu of an actual ticket.

(8) Advance Play Ticket Claims – Florida Claimants. A claimant who claims a prize through a retailer or the Lottery on a winning advance play lottery ticket before all the drawings on the ticket have occurred will be issued a continuation ticket for the remaining drawings with the same play numbers as the original ticket. The original ticket will be recorded as "paid" in the gaming system and the continuation ticket automatically issued for the claimant shall be the instrument from which claims on remaining drawings are paid.

(9) Advance Play Ticket Claims – Claimants Outside of Florida. If a claimant whose mailing address is outside the state of Florida submits by mail an advance play lottery ticket that has drawings remaining that have not yet occurred, the Lottery will hold the claimant's advance play ticket until all the drawings have occurred. The Lottery will then validate the advance play ticket and mail the claimant one payment for the

total amount of any prizes won. If an out-of-state claimant requests prize payment prior to the date of the last advance play drawing, the Lottery will validate the ticket, mail the claimant payment for the total amount of any prizes won as of the date of ticket validation, and issue and maintain possession of a continuation ticket for the remaining drawings.

(10) On-line Game Ticket Validation.

(a) In order to be a valid on-line winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible Transaction Serial Number (“TSN”) or a readable bar code. To the extent that a ticket is not identifiable as a Florida Lottery ticket or does not have a TSN or bar code, the ticket will be invalid. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The TSN of an apparent winning ticket must validate on the Lottery’s gaming system, and must not have been previously paid.

(d) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(e) Any ticket not meeting the criteria set forth in paragraphs (10)(a) through (d) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(11) Instant Game Ticket Validation.

(a) In order to be a valid instant winning lottery ticket, the ticket must be identifiable as a Florida Lottery ticket and have either a complete, legible validation number (sometimes referred to as “Void If Removed Number” or “VIRN”), or a readable bar code. The Florida Lottery will not attempt to reconstruct any tickets received in multiple pieces.

(b) The ticket must not be counterfeit in whole or in part.

(c) The validation elements must not be altered or tampered with in any manner.

(d) The ticket must not appear on any list of omitted ticket stock on file at the Florida Lottery.

(e) The ticket must not have been stolen.

(f) The ticket must have been issued to a retailer by the Florida Lottery in an authorized manner.

(g) The validation number of an apparent winning ticket must validate on the Lottery’s gaming system and must not have been previously paid.

(h) The validation elements of a ticket must not be misprinted or illegible.

(i) The ticket must pass any additional validation tests determined necessary by the Florida Lottery. For security reasons, some validation tests may be confidential in nature.

(j) Any ticket not meeting the criteria set forth in paragraphs (11)(a) through (i) above is ineligible for any prize and shall not be paid as a winning ticket. In the event a defective ticket is purchased, the only responsibility or liability of the Florida Lottery shall be the replacement of the defective ticket with an unplayed ticket or tickets of equivalent sales price from a current Florida Lottery game, or refund of the retail sales price.

(12) Disputes Regarding the Amount or Validity of Ticket.

(a) Players shall be instructed by a retailer or the Lottery to file a claim when any dispute arises between a player and a retailer regarding the amount or validity of an apparent winning ticket or when an apparent winning ticket will not validate using the terminal.

(b) In the event a dispute between the Florida Lottery and a ticket bearer occurs as to whether a ticket is a valid winning ticket, or as to the prize amount of a valid winning ticket, the decision of the Florida Lottery shall be final. If the prize is not paid on a disputed ticket and the basis for the dispute is attributable to the Florida Lottery or its ticket vendor, the Florida Lottery will replace the disputed ticket with an unplayed ticket from the same game or with a ticket from another game of equivalent sales price. This shall be the sole and exclusive remedy of the bearer of the ticket.

(13) Winning Tickets Valued at Less than \$600. Payment of any winning ticket valued at less than \$600 that is submitted to a Lottery retailer, Lottery district office or Lottery Headquarters shall be made to the claimant upon successful ticket validation. Upon request by the Lottery, the claimant shall file a Winner Claim Form in accordance with the provisions set forth in paragraph (14)(c) below.

(a) Payment by Retailers.

1. Winning tickets of \$50 or less that are submitted to a retailer shall be paid in cash by the retailer unless:

a. It is impossible or impracticable to do so due to a company or store policy which, for safety or security reasons, limits the amount of cash available to the clerk; or

b. It is impossible or impracticable to do so due to an applicable local government ordinance that limits the amount of cash available to the clerk.

2. Winning tickets with a value greater than \$50 but less than \$600 that are submitted to a retailer shall be paid by cash, check, or money order.

3. No charge or fee shall be imposed by a retailer on a player for paying a winning ticket. This prohibition includes charging a fee for a money order issued to the player in payment of a prize when that is the only method of prize payment made available by the retailer.

(b) Payment by the Florida Lottery.

1. Winning tickets of \$100 or less that are presented to a Lottery district office will be paid by cash, check or issued lottery tickets at the claimant's option.

2. Winning tickets with a value greater than \$100 but less than \$600 that are submitted to a Lottery district office shall be paid by check and/or issued lottery tickets, or paid a maximum of \$100 in cash and the balance of the prize in issued lottery tickets at the claimant's option.

3. Lottery district offices will not pay prizes less than \$600 by a combination of cash and check.

4. Winning tickets of less than \$600 that are submitted to Lottery Headquarters for payment shall be paid by check.

5. A player who submits a winning ticket of less than \$600 in person to a Lottery district office for payment by check shall be required to present one form of identification from the list in subsection (15). The identification is required to ensure proper check distribution.

6. Winning tickets of less than \$600 shall be subject to and paid in accordance with subsections (16), (17), (18) and (19) below.

(14) Winning Tickets Valued at \$600 or Greater.

(a) Payment of winning tickets valued at \$600 or greater shall be made only by a Lottery office. Payment of winning tickets valued at \$600 or greater cannot be made by a retailer.

(b) A player may submit a winning ticket valued at \$600 or greater to any Lottery retailer or Lottery office for ticket validation. If a winning ticket valued at \$600 or greater is validated at a retailer location, the player shall retain the original ticket and any player claim instructions ticket produced by the retailer terminal to submit with his or her claim to a Lottery office for prize payment processing. If the winning ticket produces a continuation ticket for future drawings, the player shall also retain the continuation ticket in addition to the original ticket and player claim instructions ticket.

(c) After successful validation of a winning ticket, the player shall file a claim by submitting to the Lottery a completed Winner Claim Form DOL 173-2, revised 12/07, or Spanish Winner Claim Form DOL 173-2S, revised 12/07 along with the ticket(s) as set forth in subsection (18) and the identification described in subsection (15) below. The Winner Claim Forms are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. Claims may be submitted in person to any Lottery district office or to Lottery Headquarters, or submitted by mail to Florida Lottery, Claims Processing, 250 Marriott Drive, Tallahassee, Florida 32399-9939.

(d) Winning tickets valued at \$600 through \$250,000 that are submitted to a Lottery district office shall be paid by check and in accordance with subsections (16), (17), (18) and (19) below. Winning tickets valued at greater than \$250,000 must be presented at Lottery Headquarters for payment.

(e) Winning tickets valued at \$600 or more that are submitted to Lottery Headquarters shall be paid as follows and in accordance with subsections (16), (17), (18) and (19) below:

1. If the prize value is \$600 through \$100,000, payment shall be made by check.

2. If the prize value is greater than \$100,000 or is a prize for which there is a lump-sum option, payment shall be made by check or wire transfer at the claimant's option.

(15) Presentation of Identification.

(a) The claimant of a prize valued at \$600 or more will be required to present identification as detailed below. The Lottery shall be permitted to make a photocopy of such identification for its records. The name on the identification presented to the Lottery must match the name on the back of the winning ticket, unless the name on the back of the winning ticket is that of a legal entity. In such case, an authorized agent of that legal entity and all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive a portion of the legal entity's Lottery winnings shall submit a photocopy of required identification as detailed below. The Lottery reserves the right to require proof of authenticity for such photocopies. If the name on the back of the ticket and the identification presented do not match, the Lottery may request another form of identification listed below or request additional information to use in making its payment determination.

(b) For prizes valued at \$600 or more, one form of identification is required that is current or was issued within the past five years and bears a serial or other identifying number. Acceptable forms of identification include the following:

1. A Florida identification card or driver's license issued by the public agency authorized to issue driver's licenses;

2. A passport issued by the Department of State of the United States;

3. A passport issued by a foreign government;

4. A driver's license or an identification card issued by a public agency authorized to issue driver's licenses in a state other than Florida, a territory of the United States, or Canada or Mexico;

5. An identification card issued by any branch of the armed forces of the United States; or

6. An identification card issued by the United States Bureau of Citizenship and Immigration Services; or

7. Another form of identification authorized for use by notaries public in Chapter 117, F.S.

(c) If a claimant is unable to produce one of the acceptable forms of identification identified in paragraph (b) above, the Lottery will accept as satisfactory evidence of the claimant's

identity a completed Affidavit to Establish Identity, DOL-468A effective 01/06. The Affidavit to Establish Identity is incorporated herein by reference and may be obtained at any Lottery office or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(d) A photocopy of required identification shall accompany claims valued at \$600 or greater that are submitted by mail. The Lottery reserves the right to require proof of authenticity for such photocopies.

(16) Payment to One Person or Entity. Regardless of how many persons or entities claim an ownership interest in a winning ticket, payment will be made to only one person or entity. For prizes valued at \$600 or more, a winner may submit an Internal Revenue Service Form 5754, *Statement by Person(s) Receiving Gambling Winnings*, revised 08/05, if more than one person or a person other than the claimant is entitled to the prize winnings. The form must be presented to the Lottery along with the Winner Claim form prior to ticket validation. The Internal Revenue Service Form 5754 is incorporated by reference and may be obtained at any Lottery office, by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or from the Internal Revenue Service.

(17) Federal Withholding Taxes. Federal withholding taxes shall be deducted from prizes in accordance with the Internal Revenue Code and Code of Federal Regulations.

(18) Ticket Submission and Payment. In accordance with the applicable provisions of subsections (13), (14) and (20) a claimant must submit an original winning ticket or an original continuation ticket, if issued, to the Lottery or to a retailer to claim a prize. In the event an original winning ticket or an original continuation ticket is not available for submission, a claimant must submit an original player claim instructions ticket produced from validation of an original winning ticket or original continuation ticket to the Lottery to claim a prize.

(a) If a claimant submits an original winning ticket or an original continuation ticket and an original player claim instructions ticket produced from an original winning ticket or from an original continuation ticket, payment will be made in accordance with subsections (16), (17) and (18).

(b) If a claimant submits only an original winning ticket or an original continuation ticket, the ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18).

(c) If a claimant submits only an original player claim instructions ticket, the player claim instructions ticket will be validated and payment will be made in accordance with subsections (16), (17) and (18) and as follows:

1. For on-line prizes, if the absence of the original ticket or the original continuation ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the

player claim instructions ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner.

2. For instant prizes, if the absence of the original ticket is determined to the Lottery's satisfaction to be attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the player claim instructions ticket is submitted for prize payment, or following expiration of 90 days after the official end of the game, whichever date occurs sooner.

3. If the absence of the original ticket or the original continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made as follows:

a. For winning on-line tickets, payment will be made following expiration of 210 days after the winning draw date, provided that payment for the original winning ticket is not made before the expiration of 210 days.

b. For winning instant tickets, payment for prizes valued at \$600 through \$1,000 will be made following expiration of 180 days from the date the claim was filed or following expiration of 90 days after the official end of the game, whichever occurs sooner, provided that payment for the original winning ticket is not made before expiration of the 180-day or 90-day time period, whichever is applicable. Payment for prizes greater than \$1,000 will be made following expiration of 90 days after the official end of the game, provided payment for the original winning ticket is not made before expiration of the 90-day time period.

4. If the original winning ticket or original continuation ticket is submitted prior to expiration of the time periods set forth in subparagraphs (18)(c)1., 2. and 3., an investigation will be conducted to determine to whom payment should be made, if anyone.

(d) If a claimant submits only an original advance play winning ticket that has been recorded as "paid" in the Lottery's gaming system as the result of the issuance of a continuation ticket, an investigation will be conducted and payment will be made as follows:

1. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to actions of a retailer, payment will be made following expiration of 30 days after the date the original winning ticket is submitted for prize payment, or following expiration of 210 days after the winning draw date, whichever date occurs sooner, provided that payment for the continuation ticket is not made prior to the expiration time frames set forth above.

2. If the investigation concludes to the Lottery's satisfaction that the absence of the continuation ticket is attributable to any reason other than the actions of a retailer, payment will be made following expiration of 210 days after

the winning draw date, provided that payment for the continuation ticket is not made before the expiration of 210 days.

(e) In the event a claim for payment is made without an original ticket, an original continuation ticket, or a player claim instructions ticket, the claim will be denied unless the following occurs:

1. The claimant establishes to the Lottery's satisfaction that the absence of the original ticket, the original continuation ticket, or the player claim instructions ticket is attributable to an act or omission of the Lottery. Acts or omissions of Lottery retailers shall not be considered attributable to the Lottery; and

2. The Lottery determines that the available evidence is sufficient to validate the claim. If the Lottery determines that the provisions set forth in subparagraphs 1. and 2., above, are sufficiently met, payment will be made to the claimant following the expiration of the applicable deadline set forth in subsection (1) for validating and submitting a winning ticket for prize payment.

(19) Determination of Prize Winner. The person to whom payment will be made for winning tickets submitted to the Lottery shall be determined as follows:

(a) If only one name appears on the back of the ticket, payment will be made to that person or entity.

(b) If the back of a ticket is blank or incomplete, data from the Winner Claim Form, if any, player correspondence, or the mailing envelope, in that order, shall be used to supplement the information.

(c) Instant tickets. If more than one name appears on the back of an instant ticket, payment shall be made to the person whose name appears first on the line designated for the name.

(d) On-line tickets.

1. If one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section that is completed.

2. If more than one player information section is completely filled out, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket.

3. If no player information section is completely filled out and more than one name appears on the back of the ticket, payment shall be made to the person whose name appears first on the name line in the player information section nearest the top of the ticket in which a name is present.

(e) If the name on the back of a ticket is that of a trust, corporation or other legal entity, payment shall be made to the trust, corporation or other legal entity. For those tickets valued at \$600 or more, no payment shall be made to a legal entity until the Lottery has received a copy of the entity's organizational documents which set forth the names and Social Security numbers of all shareholders, partners, beneficiaries, or other persons ultimately entitled to receive Lottery winnings.

(f) For prizes less than \$600, payment to the person determined in accordance with paragraphs (19)(a) through (e) above shall be made in that person's name as it appears on the back of the winning ticket. For prizes of \$600 or more, payment shall be made in that person's name as it appears on the Winner Claim Form as described in paragraph (14)(c) above.

(g) If the back of a ticket valued at \$600 or more is altered, defaced, or contains erasures, correction fluid, overwriting, or obliteration in the line designated for a name, an investigation will be conducted to determine to whom payment should be made, if anyone, in accordance with paragraphs (19)(c), (d) and (e) above. If the ticket is valued at less than \$600, payment will be made to the person submitting the ticket for payment.

(h) If the Lottery is presented with undisputed information that payment of a prize as provided in paragraphs (19)(a) through (e) would result in payment to a person or entity who has no claim to the ticket, the Lottery will make payment to the person or entity it determines to be the rightful claimant based upon the undisputed information submitted to the Lottery.

(i) If the Lottery receives notification of a dispute of ownership of a specific ticket prior to prize payment, an investigation will be conducted to determine to whom payment should be made, if anyone.

(j) Any claimant of a prize of \$600 or more, and any person whose name appears on an Internal Revenue Service Form 5754 filed by a claimant and whose portion of the prize is \$600 or more, will be compared to the State Owed Debt system. All persons ultimately entitled to receive Florida Lottery winnings from a claim valued at \$600 or more filed by a legal entity, other than a corporation whose shares are publicly traded, will be compared to the State Owed Debt system. If such claimant or other person is identified as owing an outstanding debt to a state agency or owing child support collected through a court or spousal support or alimony as provided in subsection 24.115(4), F.S., following deduction of federal tax withholding, the remaining prize amount will be allocated as follows:

1. If the debt is owed by the claimant and an Internal Revenue Service Form 5754 is not filed at the time the claim is submitted, an amount sufficient to cover the amount owed, up to the total remaining prize amount, will be transferred to the state agency owed the debt. Any monies remaining after federal tax withholding and after collection of the debt will be paid to the claimant.

2. If the debt is of a claimant who submits an Internal Revenue Service Form 5754 at the time of filing the claim, or of a person whose name appears on an Internal Revenue Service Form 5754 or who is entitled to receive Lottery winnings claimed by a legal entity, an amount sufficient to cover the claimant's or other person's debt, but not to exceed his or her percentage interest in the prize or entity, will be

transferred to the state agency owed the debt. The monies remaining will be paid to the claimant and any other persons entitled to receive a portion of the Lottery winnings.

(20) Payment of On-line Game Multi-play Tickets Including a Cash Prize and a Free Quick Pick Ticket Prize. Additional payment provisions applicable only to winning on-line game multi-play tickets (tickets with more than one panel played for a single draw date) that include a cash prize and a prize of a free quick pick ticket are as follows:

(a) A \$1.00 value for each free quick pick ticket on a multi-play ticket shall be included in the total prize value of the ticket.

(b) On-line game multi-play tickets with a total prize value less than \$600 shall be paid by Lottery retailers or a Lottery office upon successful ticket validation. The claimant shall be paid the cash amount of the prize and given a ticket with one free quick pick play for the same on-line game in which the prize was won, for the next available drawing for each free quick pick ticket prize.

(c) On-line game multi-play tickets with a total prize value of \$600 or more shall be claimed at a Lottery office. Retailer locations cannot print free quick pick tickets that are part of a claim with a total value of \$600 or more.

1. If the claim is submitted to a Lottery office in person and the on-line game multi-play ticket is successfully validated, the Lottery will pay the claimant the cash prize and give the claimant a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize.

2. If the claim is submitted by mail to a Lottery office and the on-line game multi-play ticket is successfully validated, the Lottery will pay the cash prize and, if the claimant's address is in Florida, print a ticket with one free quick pick play for the next available drawing of the same on-line game in which the prize was won for each free quick pick ticket prize. The payment and the free ticket shall be mailed to the claimant by the Lottery, except as set forth in subsection (7) above. A free ticket shall be mailed prior to the drawing applicable to that ticket.

3. If the claimant is identified as owing an outstanding debt as set forth in paragraph (19)(i), in an amount less than the cash portion of the prize net of any federal income tax withholding, the non-cash portion of the prize and the amount owed to the claimant after his or her debt is satisfied and taxes have been withheld shall be awarded. If the claimant is identified as owing an outstanding debt in an amount greater than the cash portion of the prize net of any federal income tax withholding, the cash portion of the prize remaining after taxes have been withheld will be applied toward the outstanding debt as provided in Section 24.115(4), F.S., and the claimant will receive the remaining non-cash portion of the prize.

(21) Canceled and Previously Paid Tickets. No payment shall be made upon a ticket submitted for payment that is reflected in the Lottery's records as having been canceled or previously paid.

(22) Disclosure of Source of Ticket. The Lottery reserves the right to require the claimant of any winning ticket to disclose the source of the ticket.

(23) Final Payment Decision. The Lottery's decision and judgments in respect to the determination of a winning ticket or of any other dispute arising from payment or awarding of prizes shall be final and binding upon all participants in the lottery unless otherwise provided by law or these rules. In the event a question arises relative to a winning ticket, or the payment or awarding of any prize, the Lottery is authorized to:

(a) Deposit the prize winnings into an escrow fund until the dispute is resolved; or

(b) Petition a court of competent jurisdiction for instructions and a resolution of the controversy.

(24) All tickets and claim forms presented to the Florida Lottery shall become the property of the Florida Lottery.

(25) Information for claiming a prize can be obtained by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016, or by calling (850)487-7777.

(26) Payment of winning tickets is subject to all other applicable statutes and rules.

(27) This emergency rule replaces Emergency Rule 53ER07-68, F.A.C.

Specific Authority 24.105(9)(e), 24.109(1), 24.115(1) FS. Law Implemented 24.105(9)(e), 24.115(1), (4) FS. History—New 3-28-08, Replaces 53ER07-68, F.A.C.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-21
 RULE TITLE: Cash Blowout Second Chance Drawing

SUMMARY: The Department of the Lottery will conduct a Cash Blowout Second Chance Drawing between April 1, 2008 and May 6, 2008, in which special prizes will be awarded.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Faith L. Schneider, Legal Analyst, Department of the Lottery, Capitol Complex, Tallahassee, Florida 32399-4011

THE FULL TEXT OF THE EMERGENCY RULE IS:

53ER08-21 Cash Blowout Second Chance Drawing.

(1) Beginning April 1, 2008 through May 4, 2008, players can enter their non-winning Cash Blowout ticket(s) in the Cash Blowout Second Chance Drawing on the Florida Lottery website to win a Dell Vostro™ 1700 laptop computer valued at \$1,034 or a MP4 audio/video I-Player valued at \$47.

(2) To enter a non-winning Cash Blowout ticket into the Cash Blowout Second Chance Drawing, players must visit the Florida Lottery's website at www.flalottery.com, click on the Cash Blowout Second Chance Drawing icon and follow the directions to input their non-winning ticket number(s). The ticket number is a 22-digit number printed across the bottom on the front of a Cash Blowout ticket. The odds of winning are dependent upon the number of entries received. Players may enter as many times as they wish during the contest period. However, each valid ticket number may only be used one time for one entry into the drawing. Winning Cash Blowout tickets cannot be used for entry into a Second Chance drawing.

(3) A computerized drawing will be held on Tuesday, May 6, 2008, from among all entries received before 12:00 midnight ET, May 4, 2008. A total of ten (10) entries will be drawn. The first five entries drawn will win the Grand Prize of a Dell Vostro™ 1700 laptop computer, and the sixth through tenth entries drawn will win a second prize of a MP4 audio/video I-Player.

All ten prizewinners will be posted on the Lottery's website, www.flalottery.com, by 3:00 p.m. May 6, 2008. Winners will have 180 days from the draw date to claim their prize (November 2, 2008). The Florida Lottery will attempt to notify prizewinners using contact information submitted on the player registration; however, the responsibility of claiming a prize remains with the player. Unclaimed prizes, if any, will be used for future Florida Lottery promotional prizes.

(4) All entries are subject to validation by the Florida Lottery and may be disqualified if eligibility requirements are not met. To claim a Cash Blowout Second Chance Drawing prize, the player must submit to the Lottery the original valid non-winning ticket bearing the entry number selected in the drawing. Without such ticket, the player will forfeit his or her right to claim a prize. Winners must submit the valid entry ticket along with a completed Winner Claim Form and Acceptance and Release form to the Florida Lottery. Winners who cannot produce a valid entry ticket and/or do not return their Winner Claim Form as set forth above will forfeit their right to claim the prize. The Winner Claim Form DOL 173-2, revised 12/07, and the Spanish Winner Claim Form DOL 173-2S, revised 12/07, are incorporated herein by reference and may be obtained at any Lottery office or retailer, from the Florida Lottery's website at www.flalottery.com, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016. The Acceptance and Release form DOL-456, effective 3/08, is incorporated herein by

reference and may be obtained at any Lottery office or retailer, or by writing the Florida Lottery, Public Information, 250 Marriott Drive, Tallahassee, Florida 32399-4016.

(5) No cash option is available in lieu of the prizes.

(6) The right to claim a prize cannot be assigned to another person or entity.

(7) All federal, state and/or local taxes or other fees will be the responsibility of the winner. A nonresident alien who is selected as a winner will be awarded the cash value of the prize in lieu of the prize. Federal income taxes will be withheld from the prize amount at the rate of thirty percent (30%) pursuant to applicable provisions of the Internal Revenue Code. The reporting and subsequent payment of any additional federal, state and/or local taxes shall be the responsibility of the nonresident alien.

(8) All prizes are subject to the provisions of Chapter 24, F.S., and rules promulgated thereunder, including the official Cash Blowout Second Chance Drawing rule. Prizes will be paid in accordance with the rules of the Florida Lottery governing payment of prizes. Copies of the current prize payment rules and the Cash Blowout Second Chance Drawing rule can be obtained from the Florida Lottery, Office of the General Counsel, 250 Marriott Drive, Tallahassee, Florida 32399-4011.

(9) Players must be at least 18 years of age. Persons prohibited by Section 24.116, F.S., from purchasing a Florida Lottery ticket are not eligible to play.

(10) A player entering into the Cash Blowout Second Chance Drawing is deemed to have granted permission for the Florida Lottery to photograph and/or videotape and record the prizewinner with or without prior notification and to use the name, photograph, videotape, and/or recording of the prizewinner for advertising or publicity purposes without additional compensation.

(11) The Cash Blowout Second Chance Drawing shall be public, held in Tallahassee, Florida, and witnessed by an accountant employed by an independent certified public accounting firm. The results of the drawing will be available after the drawing on the Florida Lottery's Website at flalottery.com, by phone at (850)487-7777, or at a Lottery retailer.

Specific Authority 24.105(9), 24.109(1) FS. Law Implemented 24.105(9), 24.115(1) FS. History—New 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-22
 RULE TITLE: Instant Game Number 745, \$5,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 745, "\$5,000 TAXES PAID," 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:

53ER08-22 Instant Game Number 745, \$5,000 TAXES PAID.

(1) Name of Game. Instant Game Number 745, "\$5,000 TAXES PAID."

(2) Price. \$5,000 TAXES PAID lottery tickets sell for \$1.00 per ticket.

(3) \$5,000 TAXES PAID 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 \$5,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>	7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>
11 <small>ELEVEN</small>	12 <small>TWELVE</small>	13 <small>THIRTEEN</small>	14 <small>FOURTEEN</small>	15 <small>FIFTEEN</small>	16 <small>SIXTEEN</small>	17 <small>SEVENTEEN</small>	18 <small>EIGHTEEN</small>	19 <small>NINETEEN</small>	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 <small>ONE</small>	2 <small>TWO</small>	3 <small>THREE</small>	4 <small>FOUR</small>	5 <small>FIVE</small>	6 <small>SIX</small>	7 <small>SEVEN</small>	8 <small>EIGHT</small>	9 <small>NINE</small>	10 <small>TEN</small>
11 <small>ELEVEN</small>	12 <small>TWELVE</small>	13 <small>THIRTEEN</small>	14 <small>FOURTEEN</small>	15 <small>FIFTEEN</small>	16 <small>SIXTEEN</small>	17 <small>SEVENTEEN</small>	18 <small>EIGHTEEN</small>	19 <small>NINETEEN</small>	

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00	\$2.00	\$5.00	\$10.00	\$25.00
<small>TICKET</small>	<small>ONE</small>	<small>TWO</small>	<small>FIVE</small>	<small>TEN</small>	<small>THY FIVE</small>
\$50.00	\$100	\$250	\$500	\$5,000	
<small>FIFTY</small>	<small>ONE HUN</small>	<small>TWOHUN FTY</small>	<small>FIVE HUN</small>	<small>FIVE THOU</small>	

(7) The legends are as follows:

YOUR NUMBERS WINNING NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the

claimant to the prize shown for that play symbol. A ticket having a "HIN" symbol in the play area shall entitle the claimant to a prize of \$25.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$250, \$500 and "\$5,000 plus applicable tax withholding." A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$1.00 instant ticket, except as follows. A person who submits by mail a \$5,000 TAXES PAID lottery ticket which entitles the claimant to a prize of a \$1.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$1.00 in lieu of an actual ticket.

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 745 are as follows:

GAME PLAY	VALUE	ODDS OF 1 IN	NUMBER OF WINNERS IN 68 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$1 TICKET	10.00	1,224,000
\$1	\$1	15.00	816,000
\$2	\$2	30.00	408,000
\$1 x 5	\$5	42.86	285,600
\$5 x 2	\$10	150.00	81,600
\$5 x 3	\$15	300.00	40,800
\$25 (MONEYBAG)	\$25	300.00	40,800
(\$5 x 5) + \$25	\$50	7,200.00	1,700
(\$5 x 3) + \$10 + \$25 (MONEYBAG)	\$50	1,800.00	6,800
\$50	\$50	3,461.54	3,536
(\$10 x 5) + \$50	\$100	36,000.00	340
\$5 + (\$10 x 2) + \$25 (MONEYBAG) + \$50	\$100	36,000.00	340
\$100	\$100	36,000.00	340
(\$50 x 2) + (\$100 x 4)	\$500	180,000.00	68
\$250 x 2	\$500	180,000.00	68
\$500	\$500	180,000.00	68
\$5,000 TAXES PAID	\$6,666.67	1,224,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 745 are 1 in 4.21. 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 745, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$5,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$5,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-23
 RULE TITLE: Instant Game Number 746, \$25,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 746, "\$25,000 TAXES PAID," 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:

53ER08-23 Instant Game Number 746, \$25,000 TAXES PAID.

(1) Name of Game. Instant Game Number 746, "\$25,000 TAXES PAID."

(2) Price. \$25,000 TAXES PAID lottery tickets sell for \$2.00 per ticket.

(3) \$25,000 TAXES PAID 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 \$25,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN	
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY	

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1 ONE	2 TWO	3 THREE	4 FOUR	5 FIVE	6 SIX	7 SEVEN	8 EIGHT	9 NINE	10 TEN
11 ELEVEN	12 TWELVE	13 THIRTEEN	14 FOURTEEN	15 FIFTEEN	16 SIXTEEN	17 SEVENTEEN	18 EIGHTEEN	19 NINETEEN	20 TWENTY

(6) The prize symbols and prize symbol captions are as follows:

TICKET	\$1.00 ONE	\$2.00 TWO	\$4.00 FOUR	\$5.00 FIVE	\$10.00 TEN
\$25.00 TWENTY FIVE	\$50.00 FIFTY	\$100 ONE HUNDRED	\$500 FIVE HUNDRED	\$25,000 TWENTY FIVE THOUSAND	

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that play symbol. A ticket

having a " WIN" symbol in the play area shall entitle the claimant to a prize of \$50.

(b) The prizes are: TICKET, \$1.00, \$2.00, \$4.00, \$5.00, \$10.00, \$25.00, \$50.00, \$100, \$500 and "\$25,000 plus applicable tax withholding." A claimant who is entitled to a prize of a "TICKET" shall be entitled to a prize of a \$2.00 instant ticket or combination of instant tickets with a total value of \$2.00, except as follows. A person who submits by mail a \$25,000 TAXES PAID lottery ticket which entitles the claimant to a prize of a \$2.00 instant ticket and whose mailing address is outside the state of Florida will receive a check for \$2.00 in lieu of an actual ticket.

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 746 are as follows:

GAME PLAY	VALUE	ODDS OF	NUMBER OF WINNERS IN 84 POOLS OF 180,000 TICKETS PER POOL
TICKET	\$2 TICKET	1 IN 12.50	1,209.600
\$2	\$2	21.43	705.600
\$4	\$4	21.43	705.600
\$1 + (\$2 x 2)	\$5	30.00	504.000
\$5	\$5	37.50	403.200

\$2 x 5	\$10	300.00	50,400
\$5 x 2	\$10	300.00	50,400
\$10	\$10	150.00	100,800
\$5 x 5	\$25	300.00	50,400
\$25	\$25	300.00	50,400
\$5 x 10	\$50	1,800.00	8,400
\$10 x 5	\$50	1,800.00	8,400
\$50 (MONEYBAG)	\$50	450.00	33,600
\$10 x 10	\$100	7,200.00	2,100
(\$25 x 2) + \$50 (MONEYBAG)	\$100	2,400.00	6,300
\$100	\$100	2,400.00	6,300
(\$25 x 6) + \$50 (MONEYBAG)	\$200	45,000.00	336
(\$25 x 2) + (\$100 x 4) + \$50 (MONEYBAG)	\$500	180,000.00	84
\$500	\$500	180,000.00	84
\$25,000 TAXES PAID	\$33,333.33	1,512,000.00	10

(10) The estimated overall odds of winning some prize in Instant Game Number 746 are 1 in 3.88. 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 746, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$25,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$25,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-24
 RULE TITLE: Instant Game Number 747, \$100,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 747, “\$100,000 TAXES PAID,” 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:

53ER08-24 Instant Game Number 747, \$100,000 TAXES PAID.

(1) Name of Game. Instant Game Number 747, “\$100,000 TAXES PAID.”

(2) Price. \$100,000 TAXES PAID lottery tickets sell for \$5.00 per ticket.

(3) \$100,000 TAXES PAID 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 \$100,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The “YOUR NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTY	FOURTY	FIFTY
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
SIXTY	SEVENTY	EIGHTY	NINETY	TENTY	THEXTY	THIRTYONE	THIRTYTWO	THIRTYTHREE	THIRTYFOUR	THIRTYFIVE	THIRTYSIX	THIRTYSEVEN	THIRTYEIGHT	THIRTYNINE

(5) The “WINNING NUMBERS” play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTY	FOURTY	FIFTY
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
SIXTY	SEVENTY	EIGHTY	NINETY	TENTY	THEXTY	THIRTYONE	THIRTYTWO	THIRTYTHREE	THIRTYFOUR	THIRTYFIVE	THIRTYSIX	THIRTYSEVEN	THIRTYEIGHT	THIRTYNINE

(6) The prize symbols and prize symbol captions are as follows:

\$2.00	\$5.00	\$7.00	\$10.00	\$15.00	\$25.00	\$50.00
TWO	FIVE	SEVEN	TEN	FIFTEEN	THIRTYFIVE	FIFTY
\$75.00	\$100	\$500	\$500	\$1,000	\$5,000	\$100,000
SEVENTYFIVE	ONE HUND	FIVE HUND	FIVE HUND	ONE THOU	FIVE THOU	ONEHUN THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the “YOUR NUMBERS” play area that matches a play symbol and corresponding play symbol caption in the “WINNING NUMBERS” play area shall entitle the claimant to the prize shown for that play symbol. A ticket having a “WIN” symbol in the play area shall entitle the claimant to a prize of \$100.

(b) The prizes are: \$2.00, \$5.00, \$7.00, \$10.00, \$15.00, \$25.00, \$50.00, \$75.00, \$100, \$500, \$1,000, \$5,000 and “\$100,000 plus applicable tax withholding.”

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 747 are as follows:

GAME PLAY	VALUE	NUMBER OF WINNERS IN 68 POOLS OF 120,000 TICKETS PER POOL	
		ODDS OF 1 IN	
\$5	\$5	12.00	680,000
\$2 + \$5	\$7	20.00	408,000
\$7	\$7	30.00	272,000
\$5 x 2	\$10	60.00	136,000
\$10	\$10	30.00	272,000
\$5 x 3	\$15	60.00	136,000
\$15	\$15	60.00	136,000
\$5 x 5	\$25	240.00	34,000
(\$5 x 3) + \$10	\$25	240.00	34,000
\$5 + (\$10 x 2)	\$25	240.00	34,000
\$25	\$25	240.00	34,000
\$5 x 10	\$50	480.00	17,000
(\$5 x 5) + \$25	\$50	480.00	17,000
\$10 x 5	\$50	480.00	17,000
\$50	\$50	480.00	17,000
\$5 x 15	\$75	2,400.00	3,400
\$5 + (\$10 x 7)	\$75	3,000.00	2,720
(\$5 x 5) + \$50	\$75	3,000.00	2,720
(\$10 x 5) + \$25	\$75	3,000.00	2,720
\$75	\$75	2,000.00	4,080
(\$5 x 10) + (\$10 x 5)	\$100	12,000.00	680
(\$5 x 2) + (\$10 x 4) + (\$25 x 2)	\$100	12,000.00	680
\$25 x 4	\$100	12,000.00	680
(\$25 x 2) + \$50	\$100	12,000.00	680
\$100	\$100	600.00	13,600
(MONEYBAG) (\$25 x 10) + (\$50 x 5)	\$500	60,000.00	136
(\$10 x 10) + (\$75 x 4) + \$100	\$500	60,000.00	136
(MONEYBAG) \$500	\$500	60,000.00	136
(\$25 x 2) + (\$50 x 2) + (\$75 x 10) + \$100	\$1,000	120,000.00	68
(MONEYBAG) \$1,000	\$1,000	120,000.00	68
\$1,000 x 5	\$5,000	2,720,000.00	3
\$500 x 10	\$5,000	2,720,000.00	3

\$5,000	\$5,000	2,720,000.00	3
\$100,000 TAXES PAID	\$133,333.33	906,666.67	9

(10) The estimated overall odds of winning some prize in Instant Game Number 747 are 1 in 3.58. 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 747, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$100,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$100,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

DEPARTMENT OF THE LOTTERY

RULE NO.: 53ER08-25
 RULE TITLE: Instant Game Number 748, \$250,000 TAXES PAID

SUMMARY: This emergency rule describes Instant Game Number 748, “\$250,000 TAXES PAID,” 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:

53ER08-25 Instant Game Number 748, \$250,000 TAXES PAID.

(1) Name of Game. Instant Game Number 748, “\$250,000 TAXES PAID.”

(2) Price. \$250,000 TAXES PAID lottery tickets sell for \$10.00 per ticket.

(3) \$250,000 TAXES PAID 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 \$250,000 TAXES PAID lottery ticket, the ticket must meet the applicable requirements of Rule 53ER08-20, F.A.C.

(4) The "YOUR NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	THIRTY

(5) The "WINNING NUMBERS" play symbols and play symbol captions are as follows:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
ONE	TWO	THREE	FOUR	FIVE	SIX	SEVEN	EIGHT	NINE	TEN	ELEVEN	TWELVE	THIRTEEN	FOURTEEN	FIFTEEN
16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
SIXTEEN	SEVENTEEN	EIGHTEEN	NINETEEN	TWENTY	TWENTYONE	TWENTYTWO	TWENTYTHREE	TWENTYFOUR	TWENTYFIVE	TWENTYSIX	TWENTYSEVEN	TWENTYEIGHT	TWENTYNINE	THIRTY

(6) The prize symbols and prize symbol captions are as follows:

\$10.00	\$15.00	\$20.00	\$25.00	\$30.00	\$50.00
TEN	FIFTEEN	TWENTY	TWENTYFIVE	THIRTY	FIFTY
\$100	\$200	\$500	\$1,000	\$10,000	\$250,000
ONE HUN	TWO HUN	FIVE HUN	ONE THOU	TEN THOU	TWOHUNDRTY THOU

(7) The legends are as follows:

WINNING NUMBERS YOUR NUMBERS

(8) Determination of Prizewinners.

(a) A ticket having a play symbol and corresponding play symbol caption in the "YOUR NUMBERS" play area that matches a play symbol and corresponding play symbol caption in the "WINNING NUMBERS" play area shall entitle the claimant to the prize shown for that play symbol. A ticket

having a "WIN" symbol in the play area shall entitle the claimant to a prize of \$200.

(b) The prizes are: \$10.00, \$15.00, \$20.00, \$25.00, \$30.00, \$50.00, \$100, \$200, \$500, \$1,000, \$10,000 and "\$250,000 plus applicable tax withholding."

(c) The Florida Lottery will withhold and remit federal taxes on the top prize. The total amount of the taxes paid will be added to the amount of the prize for tax reporting. Winners of the top prizes will be responsible for any additional taxes owed based on their personal tax rate.

(9) The estimated odds of winning, value, and number of prizes in Instant Game Number 748 are as follows:

GAME PLAY	VALUE	1 IN	ODDS OF	NUMBER OF WINNERS IN 42 POOLS OF 120,000 TICKETS PER POOL

\$10	\$10	10.00	504,000
\$15	\$15	10.00	504,000
\$10 x 2	\$20	30.00	168,000
\$20	\$20	30.00	168,000
\$10 x 3	\$30	80.00	63,000
\$15 x 2	\$30	80.00	63,000
\$30	\$30	120.00	42,000
\$10 x 5	\$50	181.82	27,720
\$25 x 2	\$50	179.10	28,140
\$50	\$50	179.10	28,140
\$25 x 4	\$100	300.00	16,800
\$100	\$100	300.00	16,800
\$10 x 20	\$200	12,000.00	420
(\$10 x 10) + (\$25 x 4)	\$200	12,000.00	420
\$50 x 4	\$200	12,000.00	420
\$20 x 10	\$200	12,000.00	420
\$200	\$200	1,200.00	4,200
(MONEYBAG)			
\$25 x 20	\$500	60,000.00	84
(\$50 x 6) + \$200	\$500	7,500.00	672
(MONEYBAG)			
(\$20 x 10) + (\$50 x 6)	\$500	60,000.00	84
\$100 x 5	\$500	60,000.00	84
\$500	\$500	12,000.00	420
\$50 x 20	\$1,000	120,000.00	42
(\$100 x 8) + \$200	\$1,000	120,000.00	42
(MONEYBAG)			
\$200 x 5	\$1,000	120,000.00	42
\$1,000	\$1,000	120,000.00	42
\$500 x 20	\$10,000	504,000.00	10
\$10,000	\$10,000	504,000.00	10
\$250,000 TAXES PAID	\$333,333.33	840,000.00	6

(10) The estimated overall odds of winning some prize in Instant Game Number 748 are 1 in 3.08. 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 748, the estimated odds of winning, value, and number of prizes shall be proportionate to the number of tickets reordered.

(12) By purchasing a \$250,000 TAXES PAID lottery ticket the player agrees to comply with and abide by all prize payment rules of the Florida Lottery.

(13) Payment of prizes for \$250,000 TAXES PAID 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 3-28-08.

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: March 28, 2008

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.:	RULE TITLE:
59GER08-1	Developmental Disabilities Residential Habilitation Services in a Licensed Facility Provider Rate Table

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: This rule renews the emergency rule for the rates paid to developmental disabilities waiver services providers of residential habilitation services for clients of the Agency for Persons with Disabilities. An emergency rule regarding this subject took effect on January 1, 2008. The proposed Rule 59G-13.084, F.A.C., regarding this subject was challenged. The Agency for Health Care Administration may renew the emergency rule during the pendency of the challenge per Section 120.54(4)(c), F.S.

The text of the original Notice of Emergency rule is as follows: 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. The Agency for Persons with Disabilities determined that there was an emergency as defined in Rule 120.54, F.S., that supported adoption of an Emergency Rule.

Adoption of the emergency rule is necessary to assure appropriated dollars are available for the provision of basic services to persons with developmental 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 programs 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 mental 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’ (APD) Medicaid waiver programs serve over 30,000 developmentally disabled persons. The Developmental Disabilities Home and Community-Based Services Medicaid waiver has a waiting list of over 15,000 developmentally disabled persons who seek services that cannot be provided as the result of APD’s severe budget deficit.

No one will be removed from the Developmental Disabilities Home and Community-Based Services Medicaid waiver program as a result of the Emergency Rule. Instead, effective January 1, 2008, the Emergency Rule will immediately reduce the rates paid to providers of residential habilitation services by an average of approximately 3% from the rates that were in effect until November 30, 2007. APD determined that this rate reduction combined with the effect of other actions to reduce the projected deficit enough to permit continued funding of services. The rate reduction is a critical component of a total deficit reduction of approximately \$31 million dollars.

APD’s other actions in response to the legislature’s mandate to reduce the deficit include imposing a 180 hours per month limit on personal care services for adult clients, and eliminating therapeutic massage, homemaker, chore, non-residential support services, and psychological assessment services. The combined savings from those actions are projected to reduce the deficit by \$24.6 million dollars.

Without the savings achieved by the immediate implementation of these residential habilitation rate reductions required by the Florida Legislature, the Agency for Persons with Disabilities’ budget deficit will continue to increase by approximately \$1 million per month. In addition, the State of Florida’s latest official revenue estimate was revised downward by \$1 billion for the current budget year. This estimate comes after a special session in which the Legislature reduced the current year budget by approximately \$1.1 billion due to a previously projected revenue shortfall. Every dollar not saved now is a dollar that cannot be used to make needed services available to persons with developmental disabilities.

If this rate reduction and the other savings measures mandated by the Legislature are not implemented, the Developmental Disabilities Home and Community-Based Services Medicaid waiver program service expenses 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 as a result. 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 projected expenditures as the budget year ends.

Without the immediate implementation of the rate structure, the Developmental Disabilities Home and Community-Based Services Medicaid waiver will not have a sufficient amount of

appropriated funds in the 2007-2008 Fiscal Year to cover the projected expenditures as the budget year ends. Consequently, there is 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 January 1, 2008, 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 effect of the deficit 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.

If the projected deficit is not reduced by at least the amount projected to be saved by the rate reductions of the emergency rule, APD will have to stop enrollment of clients in crisis for waiver service. Clients in crisis are the most vulnerable of the developmentally disabled. Rules 65G-1.046 and 65G-1.047, Florida Administrative Code, establish the process and criteria for determining crisis eligibility and prioritizing those in crisis. The criteria included, in the first priority classification are individuals who are currently homeless, living in a homeless shelter, or living with relatives in an unsafe environment whose health and safety are at risk without immediate provision of waiver services.

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 habilitation services. That is 20% of the total number of people receiving Developmental Disabilities Home and Community-Based Services 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 Supplemental Security Income (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 \$6 million dollars. These savings are 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 required 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.

No reasonable rate reduction for any other provider group can generate the savings that will be generated by the residential habilitation rate reduction of the emergency rule.

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.

REASON FOR CONCLUDING THAT THE PROCEDURE 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(4), 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's 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 Home and Community Based Services 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: 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. It supersedes Rule 59GER07-2. Chapter 2007-64, Laws of Florida 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 enrolled in 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 59GER08-1, 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, January 1, 2008. The effect will be 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, January 1, 2008.

The Agency for Health Care Administration published a Notice of Proposed Rulemaking for proposed changes to residential rehabilitation rates paid by the Agency for Persons with Disabilities to providers in the February 8, 2008, Florida Administrative Weekly. The Agency conducted a public hearing on Monday, March 3, from 2:00 to 4:00 p.m.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE 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 RULE IS:

59GER08-1 Developmental Disabilities 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, January 1, 2008, 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 393.066, 393.0661, 409.906, 409.908 FS., Chapter 2007-64, L.O.F. History–New 3-31-08.

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: March 31, 2008

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 March 26, 2008, the Criminal Justice Standards and Training Commission, received a petition for permanent waiver of Rule 11B-35.0011, F.A.C.,

from Daniel J. Staub. Petitioner wishes to waive that requirement of the rule that an officer successfully complete the basic abilities test prior to entering into a basic recruit training program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Grace A. Jaye, Assistant General Counsel, Florida Department of Law Enforcement, P. O. Box 1489, Tallahassee, FL 32302-1489, (850)410-7676. Comments on the petition may also be directed to the above.

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 March 28, 2008, the South Florida Water Management District (District), received a petition for waiver from Collier County Board of County Commissioners, Application No. 07-0910-1, amending its previous petition for waiver submitted on November 27, 2007, for utilization of Works or Lands of the District known as the Cocohatchee Canal, Collier County, for the proposed installation of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank associated with the installation of bollards (posts) along a proposed 12' wide asphalt multi-use path to be located within the north right of way of the Cocohatchee Canal, Sections 23 and 24, Township 48 South, Range 26 East. The petition seeks relief from paragraph 40E-6.221(2)(a) and (i), Florida Administrative Code, which governs the placement of permanent and/or semi-permanent above-ground facilities within 40 feet of the top of the canal bank within 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 e-mail at jtriola@sfwmd.gov. The District will accept comments concerning the petition for 14 days from the date of publication of this notice. To be considered, comments must be received by the end of business on the 14th day at the South Florida Water Management District, 3301 Gun Club Road, MSC 1410, West Palm Beach, FL 33406, Attn: Juli Triola, Office of Counsel.

AGENCY FOR HEALTH CARE ADMINISTRATION

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Agency for Health Care Administration, received a petition for variance from Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code.

The Agency for Health Care Administration (the "Agency") received a petition pursuant to Section 120.542 Florida Statutes, from Petitioner, Pediatric Services of America, Inc. Petitioner operates home health agencies with nine licenses. The ownership of the home health agencies has changed in September 2007. The Petition requests a variance from Rule 59A-8.004 and subsection 59A-8.007(1), Florida Administrative Code. Rule 59A-8.004, F.A.C., incorporates by reference the forms required for home health licensure including Application for Change of Ownership, form number AHCA 3110-1012. This application requires the applicant to specify the geographic service area by county in which home health agency expects to provide services. The application further requires that the counties be within a single "AHCA area." Subsection 59A-8.007(1), F.A.C., states that:

All home health agencies must apply for a geographic service area on their initial license application. Home health agencies may apply for a geographic service area which encompasses one or more of the counties within the specific AHCA area boundaries, pursuant to Sections 408.032(5) and 400.497(7), F.S., in which the main office is located provided that the license application includes a plan for:

- (a) Coverage of the professional staff which takes into account the projected number of clients in the requested geographic service area, and
- (b) Supervision of the staff in the requested geographic service area. AHCA shall authorize a geographic service area if there are a sufficient number and type of staff and supervision to meet the needs of the geographic service area.

Petitioner is seeking a permanent variance from the rule so as to allow the new owners to serve Pediatric Services of America's Lake County patients (Area 3) without having to establish a home health agency office in an Area 3 county.

The Agency will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Agency for Health Care Administration, 2727 Mahan Dr., Bldg 3, Mail Stop 3, Tallahassee, Florida 32308. For additional information, please contact Mark Hinely, Office of the General Counsel, at the above address, or telephone (850)922-5873.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT on March 13, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Flagler Eleven located in Miami. The above referenced F.A.C. states that all bathrooms shall be

of easy and convenient access to both patrons and employees...They are requesting a variance to share bathroom facilities with an adjacent establishment and have seating for nineteen.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Genna Pizza Company located in Melbourne. 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 for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Pizza Fusion located in Fort Lauderdale. 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 for patrons and they are requesting a variance to have a seating capacity of fourteen (14).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from El Taconazo located in Tampa. 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 unisex handicap accessible bathroom and one men's bathroom for patrons and they are requesting a variance to have a seating capacity of sixty (60).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, 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 Nature's Table located in Kissimmee. 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 bathroom facilities that are located outside of the establishment that are approximately fifty (50) feet away.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Petition for an Emergency Variance for paragraphs 61C-1.004(1)(a), 61C-1.004(1)(d) and subsection 61C-4.010(6), Florida Administrative Code (F.A.C.'s), from Sara's Hershey Ice Cream located in St. Petersburg. The above referenced F.A.C.'s state the water supply shall meet the standards provided in Chapters 64E-8, 62-550 and 62-555 F.A.C., that sewage shall be disposed of in a public sewerage system or other approved sewerage system in accordance with the provisions of Chapter 64E-6 or 62-601, F.A.C. and physical facilities at public food service establishments shall be subject to the provisions of Chapter 6 of the Food Code. The Petitioner is requesting a variance to not have hard plumbing in their kiosk and use alternative methods for sewage disposal and obtaining potable water.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 19, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Yanni's Mediterranean Cuisine located in Orlando. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom for patrons and they are requesting a variance to have a seating capacity of thirty (30).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 20, 2008, 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 K.J.'s Kitchen located in Atlantic Beach. The above referenced F.A.C. states...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated....The proposed establishment has one bathroom 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.

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(6), Florida Administrative Code, from Main Street Station located in Daytona Beach. The above referenced F.A.C. states...the physical facilities at public food service establishments shall be subject to the provisions of Chapter 6, Food Code.... Specifically, the Petitioner requests to have exposed joists in the ceiling of the bar area.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 25, 2008, the Florida Department of Business and Professional Regulation, Division of Hotels and Restaurants, received a petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Twistee Treat of Clermont located in Clermont. 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 for patrons and they are requesting a variance to have a seating capacity of sixteen (16).

A copy of the Petition for Variance or Waiver may be obtained by contacting: Xenia.Bailey@dbpr.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 26, 2008, the Board of Accountancy, received a petition for Robin K. Smith, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31, 2008, and will not be accepted if it is postmarked or completed on-line after that date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

NOTICE IS HEREBY GIVEN THAT on March 31, 2008, the Board of Accountancy, received a petition for Monica Salomon, seeking a variance or waiver of subsection 61H1-33.001(3), Florida Administrative Code, which requires that the scan sheet for the Laws and Rules Examination be postmarked or completed on-line by or on December 31 and will not be accepted if it is postmarked or completed on-line after that date.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Veloria Kelly, Division Director, Board of Accountancy, 240 N. W. 76th Dr., Suite A, Gainesville, Florida 32607, (352)333-2505. Comments on this petition should be filed with the Board of Accountancy within 14 days of publication of this notice.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

NOTICE IS HEREBY GIVEN THAT on April 2, 2008, the Department of Environmental Protection has issued an order.

The order is for the FMC Corporation variance petition (OGC File No. 07-2163), received on November 29, 2007. The petition requested a variance from the zone of discharge (ZOD) prohibition for discharges through wells under subsection 62-522.300(3), F.A.C., for the use of Dissolvine® E-FE-13 (Dissolvine) to help cleanup sites contaminated with chlorinated ethenes, phenolics, polyaromatic hydrocarbons, petroleum hydrocarbons, BTEX, MTBE, 1,4-dioxane, and other contaminants. Specifically, the variance requested a ZOD for arsenic, cadmium, chromium, mercury, nickel, lead, cobalt, and molybdenum within a 50-foot radius from the point of discharge for a duration of 365 days. Notice of receipt of this petition was published in the F.A.W., on January 25, 2008. No public comment was received. The final order granted a variance from the ZOD prohibition because the petitioner demonstrated a substantial hardship, and that the purposes of the underlying statutes would be met with the conditions imposed by the Department. The conditions require that the use of this product must be through a Department-approved remedial action plan, or other Department-enforceable document, and that such approval shall not be solely by a delegated program; that the discharge must be through a Class V, Group 4 underground injection control well which meets all applicable requirements of Chapter 62-528, F.A.C.; that the extent of the ZOD for arsenic, cadmium, chromium, mercury, nickel, lead, cobalt, and molybdenum shall be within a 50-foot radius from the points of injection and the duration of the ZOD shall be one year from the last injection; that the injection of Dissolvine shall be at such a rate and volume (Dissolvine concentration no greater than 10 percent) that no undesirable migration occurs of the product, its by-products, or the contaminants already present in the aquifer; and that the Department-approved remedial action plan shall address appropriate ground water monitoring requirements associated with the use of Dissolvine based on site-specific hydrogeology and conditions.

A copy of the Order may be obtained by contacting: Cathy McCarty, Department of Environmental Protection, Underground Injection Control Program, MS 3530, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, (850)245-8654.

DEPARTMENT OF HEALTH

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Kevin Ray Richardson. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 7, February 15, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed telephonic public meeting held on March 14, 2008.

The Board's Order, filed on March 28, 2008, grants the Petition for Variance or Waiver of subsection 64B6-8.003(8), Florida Administrative Code. The Board finds that the Petitioner has complied with Section 120.542(2), Florida Statutes, by demonstrating that his request is consistent with Section 484.045, F.S., and that strict application of the rule would violate principles of fairness because documentation was sent to an incorrect address; thus, he was unable to sit for the first examination, which was deemed a failure.

A copy of the Board's Order may be obtained by contacting, Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin # C08, Tallahassee, Florida 32399-3258.

The Board of Hearing Aid Specialists hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Rick Stegbauer. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 8, February 22, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed telephonic public meeting held on March 14, 2008.

The Board's Order, filed on March 28, 2008, denies the Petition for Variance or Waiver of subsection 64B6-8.003(5), Florida Administrative Code. The Board finds that the Petitioner has not complied with Section 120.542(2), Florida Statutes, and that the Petition for Waiver and Variance should be denied on the following grounds: Petitioner failed to demonstrate that full application of subsection 64B6-8.004(5), F.A.C., to his circumstances would violate principles of fairness or create substantial hardship.

A copy of the Board's Order may be obtained by contacting: Sue Foster, Executive Director, Board of Hearing Aid Specialists, 4052 Bald Cypress Way, Bin #C08, Tallahassee, Florida 32399-3258.

NOTICE IS HEREBY GIVEN THAT on February 22, 2008, the Board of Medicine has issued an order.

The Petition for Waiver and/or Variance was filed on behalf of Ricardo E. Huete, M.D., on January 4, 2008, seeking a waiver or variance from subsection 64B8-2.001(2), F.A.C., with regard to the requirement for passage of the FLEX in one sitting. The Notice was published in Vol. 34, No. 3, of the F.A.W., on January 18, 2008. The Credentials Committee, at its meeting held on January 31, 2008, recommended that Petitioner's request for waiver or variance be granted. The Board, at its meeting held on February 2, 2008, accepted the Committee's recommendation and voted to grant the Petition for Waiver finding that the Petitioner demonstrated a substantial hardship and met the purpose of the underlying statute, and that application of the rule would violate the principles of fairness.

A copy of the Order may be obtained by contacting: Board of Medicine, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3053.

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on March 3, 2008 on behalf of Lda Abreu. Pursuant to Chapter 28-104, F.A.C., and Section 120.542, F.S., Petitioner seeks a permanent variance or waiver of an examination requirement under Rule 64B9-4.002, F.A.C., entitled "Requirements for Certification." Specifically, the Petitioner requests that on the basis of principles of fairness, as described in the Petition, the Board grant a permanent variance or waiver of the requirement under Rule 64B9-4.002, F.A.C., that is now preventing the Petitioner to sit for a certification exam for OB/GYN, Neonatal Nursing in the State of Florida. Should the Board decide not to grant a permanent waiver in this matter, the Petitioner requests in the alternative that the Board consider a temporary waiver, with stipulations as stated in the Petition, or preferably to obtain licensure by endorsement as allowed under Section 464.009, F.S., entitled "Licensure by Endorsement."

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

NOTICE IS HEREBY GIVEN THAT on March 3, 2008, the Board of Nursing, received a petition for Variance or Waiver filed on March 3, 2008 on behalf of Med Vance Institute, a Practical Nursing education provider. Pursuant to Chapter 28-104, F.A.C. and Section 120.542, F.S., Petitioner seeks a waiver of Nursing education requirements governing the maximum number of students allowed to be admitted to a practical nursing educational program. Specifically, and as a result of an inadvertent misunderstanding by the Petitioner as to the maximum number of students allowed to be admitted to a practical nursing educational program, the size of the student enrollment for March 2007 and September 2007 was exceeded.

While the Petitioner has taken steps to ensure this mistake is not again repeated, the Petitioner requests that only in these instances of over enrollment, the Board waive the student enrollment requirements.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Rick Garcia, Executive Director, Board of Nursing, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3259.

The Board of Occupational Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Pamela Evans. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 7, February 15, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed public meeting held on March 17, 2008.

The Board's Order, filed on March 27, 2008, acknowledges that the Petition for Variance or Waiver of Rule 64B11-5.001, Florida Administrative Code, is deemed approved pursuant to Section 120.542(8), Florida Statutes. Due to inadvertent error, this matter did not come to the Board within the time required by statute.

A copy of the Board's Order may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin # C05, Tallahassee, Florida 32399-3255.

The Board of Occupational Therapy hereby gives notice of the issuance of an Order regarding the Petition for Variance or Waiver for Carla Kurtz. The Notice of Petition for Variance or Waiver was published in Vol. 34, No. 8, February 22, 2008, issue of the F.A.W. The Board considered the Petition at a duly-noticed public meeting held on March 17, 2008.

The Board's Order, filed on March 27, 2008, denies as moot the Petition for Variance or Waiver of Rule 64B11-5.001, Florida Administrative Code. The Board on its own motion, based on the specific, extenuating circumstances of this case vacated the Uniform Non-Disciplinary Citation. The Board also counted the continuing education units presented by the Petitioner towards the 2005-2007 biennium and required the Petitioner to complete the 26 hours of continuing education as required by rule for the current biennium.

A copy of the Board's Order may be obtained by contacting: Allen Hall, Executive Director, Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255.

NOTICE IS HEREBY GIVEN THAT on March 17, 2008, the Board of Occupational Therapy, received a petition for a waiver or variance of Rule 64B11-6.001, F.A.C., by Margarita J. Vagnier, regarding the requirements for continuing education.

Comments on this petition should be filed with the Board of Occupational Therapy, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255, within 14 days of publication of this notice.

A copy of the Petition for Variance or Waiver may be obtained by contacting Allen Hall, Executive Director, at the above address or telephone (850)245-4444.

NOTICE IS HEREBY GIVEN THAT on March 21, 2008, the Board of Optometry, received a petition for Variance or Waiver filed on March 21, 2008 on behalf of Kevin W. Wells, O.D. Petitioner seeks a variance of Rule 64B13-4.001, F.A.C. Specifically, the Petitioner, an out-of-state optometrist who has applied for an optometrist license in Florida and who has passed the NBEO examination, requests for reasons stated in the petition that the Board waive or grant a variance of the requirement under Rule 64B13-4.001, F.A.C., entitled "Examination Requirements," which determines that a passing score must be obtained on Parts I, II, and the Treatment and Management of Ocular Disease portions of the NBEO examination within the five years immediately prior to application for the state examination.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Joe Baker, Jr., Executive Director, Board of Optometry, 4052 Bald Cypress Way, Bin C07, Tallahassee, Florida 32399-3257.

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Department of Health, Office of Trauma has issued an order. The following is a summary of the proceeding and order closing file for a petition for variance:

On February 4, 2008, a petition was filed by West Florida Regional Medical Center/West Florida Hospital for a variance or waiver of Section 64E-2.023, Florida Administrative Code, as it relates to neurosurgical staffing standards required in the Department of Health Pamphlet 150-9, Trauma Center Standards, which is incorporated by reference. Subsequently, the Petitioner filed a Notice of Voluntary Dismissal on March 5, 2008. On March 14, 2008, the Department of Health, Office of Trauma filed an Order Closing File based on the Notice of Voluntary Dismissal filed by the petitioner.

A copy of the Order may be obtained by contacting: Susan McDevitt, Director, Office of Trauma, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2760, Fax: (850)488-2512, susan_mcdevitt@doh.state.fl.us.

NOTICE IS HEREBY GIVEN THAT on March 27, 2008, the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, received a petition for Variance or Waiver from George Blanton, D.O., Aero Jet International, Inc.

Nature of Rule: Requires a medical director shall be board certified and active in a broad-based clinical medical specialty with demonstrated experience in prehospital care and hold an ACLS certificate or equivalent as determined in Rule 64E-2.032, F.A.C. Prehospital care experience shall be documented by the provider.

The petitioner is not board certified and is requesting variance from this rule requirement.

All comments and requests for copies of the petitions must be received in writing by April 25, 2008.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Lisa M. Walker, Government Analyst II, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C18, Tallahassee, Florida 32399-1738, Fax (850)488-9408, email lisa_walker2@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE IS HEREBY GIVEN THAT on February 29, 2008, the Department of Children and Family Services, received a petition for waiver of Rule 65C-15.017, F.A.C. The petition was received by Children's Home Society and Ryan Costello, assigned Case No. 08-004W. Rule 65C-15.017, F.A.C., states that an agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or a master's degree in social work or a related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

NOTICE IS HEREBY GIVEN THAT on March 18, 2008, the Department of Children and Family Services, received a petition for waiver of Rule 65C-15.017, F.A.C. The petition was received by Children's Home Society of Florida and Frank Rick Bosley. Rule 65C-15.017, F.A.C., states an agency staff responsible for performing casework services shall have a bachelor's degree in social work or related area of study or a master's degree in social work or related area of study from an accredited college or university.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Agency Clerk, Department of Children and Family Services, 1317 Winewood Blvd., Bldg. 2, Room 204, Tallahassee, FL 32399-0700.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN THAT on March 14, 2008, the Florida Housing Finance Corporation has issued an order.

The Florida Housing Finance Corporation gives notice of the entry of an Order Closing the File.

NAME OF THE PETITIONER: The Landings at Carver Park, LLLP

DATE PETITION WAS FILED: December 21, 2007

RULE NUMBER AND NATURE OF THE RULE FROM WHICH THE WAIVER OR VARIANCE IS SOUGHT: Subsection 67-21.006(2), F.A.C., and Part III A.3.B. and 4, Florida Administrative Code

REFERENCE TO THE PLACE AND DATE OF THE PUBLICATION OF THE NOTICE OF PETITION: F.A.W., January 4, 2008, Vol. 34, No. 1

THE DATE THE BOARD OF DIRECTORS OF FLORIDA HOUSING FINANCE CORPORATION CLOSED THE VARIANCE OR WAIVER FILE: March 14, 2008

THE GENERAL BASIS FOR THE DECISION: The Petitioner withdrew the Petition for Waiver.

A copy of the Order is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Housing Finance Corporation, 227 N. Bronough St., Suite 5000, Tallahassee, FL 32301-1329. The Final Order is posted on Florida Housing's website at www.floridahousing.org.

Requests for copies or inspections should be made to: Sherry Green, Public Records Clerk, at the above address, telephone (850)488-4197 or e-mail to Sherry.Green@floridahousing.org.

NOTICE IS HEREBY GIVEN THAT on March 28, 2008, the Florida Housing Finance Corporation, received a petition for Waiver/Variance of subsection 9I-35.006(6), Florida Administrative Code, from Liberty Center II, Ltd. ("Petition"). The Petition is seeking a variance of the requirement which imposes certain conditions on mortgage loans issued by the Corporation under the SAIL program.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at the Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN THAT on April 2, 2008, the Florida Housing Finance Corporation, received a petition for Waiver or Variance of subsection 67-38.014(3), Florida Administrative Code, from Apopka Taylor Apartments, Ltd., ("Petition"). The Petition is seeking a waiver of the rule to allow for reimbursement of site acquisition costs incurred prior to the closing a Predevelopment Loan Program loan.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street,

Suite 5000, Tallahassee, Florida 32399-1329. The Petition has also been posted on Florida Housing's website at www.floridahousing.org. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Section VI

Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection

DATE AND TIME: April 29, 2008, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S. The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and

orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Division of Historical Resources**, Bureau of Historic Preservation announces a workshop to which all persons are invited.

DATE AND TIME: Wednesday, May 14, 2008, 9:00 a.m. – 5:30 p.m.

PLACE: Bowden Building, 120 Church Street, Pensacola, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a workshop to cover new guidelines for Special Category Grants, tips for successful proposals, using the new online application, understanding Grant Award Agreements, reporting requirements, contracting with consultants, payment of funds, and more.

A copy of the agenda may be obtained by contacting: Bureau of Historic Preservation Grants Staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by mailing a request to 500 South Bronough Street, Tallahassee, FL 32399-0250.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by contacting: Bureau of Historic Preservation Grants Staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by mailing a request to 500 South Bronough Street, Tallahassee, FL 32399-0250. 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: Bureau of Historic Preservation Grants Staff by phone at 1(800)847-7278, by Fax (850)245-6437, or by mailing a request to 500 South Bronough Street, Tallahassee, FL 32399-0250.

The **Department of State, Division of Library and Information Services** announces a meeting of the Library Services and Technology Act Advisory Council.

DATE AND TIME: Tuesday, June 3, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Third Floor, Conference Room, Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2008 grant applications for Library Services and Technology Act funds.

A copy of the agenda may be obtained by contacting: Judith A. Ring, State Librarian at (850) 245-6600, Suncom 205-6600 or TDD (850)922-4085.

Any person deciding to appeal any decision made by the Council with respect to any matter considered at this meeting will need a record of the proceedings. Such a record may be obtained by calling (850)245-6600, Suncom 205-6600 or TDD (850)922-4085.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600, Suncom 205-6600 or TDD (850)922-4085.

The **Department of State, Division of Library and Information Services** announces its review of the Library Services and Technology Act applications.

DATE AND TIME: Tuesday, June 17, 2008, 9:00 a.m. – 5:00 p.m.

PLACE: Third Floor, Conference Room, Room 307, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review federal fiscal year 2008 grant applications for Library Services and Technology Act funds.

For additional information, contact: Judith A. Ring, State Librarian at (850)245-6600, Suncom 205-6600 or TDD (850)922-4085.

Any person deciding to appeal any decision made with respect to any matter considered at this meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based.

Any person requiring special accommodations due to a disability or physical impairment should contact the agency at least five days prior to the meeting in order to request any special assistance by calling (850)245-6600, Suncom 205-6600 or TDD (850)942-4085.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces the following committee telephone conference meetings which all persons are invited to attend.

Committee on Criminal Justice

DATE AND TIME: April 21, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

Committee on Economic Outcomes

DATE AND TIME: April 22, 2008, 2:00 p.m. – 4:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

Committee on Legislative Review

DATE AND TIME: April 23, 2008, 10:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

Committee on Health Outcomes

DATE AND TIME: April 24, 2008, 9:00 a.m. – 11:00 a.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

Committee on Foster Care and Family Issues

DATE AND TIME: April 24, 2008, 2:00 p.m. – 3:00 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

Committee on Educational Outcomes

DATE AND TIME: April 25, 2008, 11:15 a.m. – 12:15 p.m.

PLACE: Toll Free Dial in Number: 1(888)808-6959, Conference Code: 6598654629

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence,

drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues.

A copy of the meeting agenda may be obtained by contacting Michael Coard via telephone at (850)414-3300 or via email at Michael.Coard@myfloridalegal.com.

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 Florida **Department of Agriculture and Consumer Services, Division of Forestry** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 30, 2008, 9:00 a.m. – 3:00 p.m. (EST)

PLACE: Witnlaconchee State Forest, Rock Lake Office, 8392 Croom Rital Road, Brooksville, FL 32561, (352)754-6896

GENERAL SUBJECT MATTER TO BE CONSIDERED: General meeting of the Off-Highway Vehicle Recreation Advisory Committee.

A copy of the agenda may be obtained by contacting: John Waldron, 3125 Conner Blvd., Tallahassee, FL 32399, (850)414-9852.

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

DEPARTMENT OF EDUCATION

The **Florida Education Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 29, 2008, 10:30 a.m. – 12:00 Noon

PLACE: Florida Department of Education, Turlington Building, 325 W. Gaines Street, Suite 1532, Tallahassee, Florida 32399-0400

GENERAL SUBJECT MATTER TO BE CONSIDERED: Consideration of Foundation including but not limited to: Approval of minutes from January 29, 2008 meeting; executive

director's report; Commissioner's report; program updates; financial report; revision/update of Foundation policies and procedures; and general discussion of Foundation.

A copy of the agenda may be obtained by contacting Tatiana Fernández at (850)245-9671 (Voice).

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Office of Access and Equity at (850)245-9531 (Voice). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Foundation office at (850)245-9671.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATES AND TIMES: A Teacher Hearing Panel, April 24, 2008, 9:00 a.m. or as soon thereafter as can be heard; Training for New Commission Members, 1:00 p.m. or as soon thereafter
PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Janice Harris or Kathleen M. Richards at (850)245-0455.

The **Education Practices Commission** announces a hearing to which all persons are invited.

DATE AND TIME: A Teacher Hearing Panel, April 25, 2008, 9:00 a.m. or as soon thereafter as can be heard

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

A copy of the agenda may be obtained by contacting: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Kathleen M. Richards at (850)245-0455. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Janice Harris or Kathleen M. Richards at (850)245-0455.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Florida Building Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: April 18, 2008, 10:00 a.m. – completion

PLACE: RACCA, 1920 East Sligh Avenue, Tampa, Florida 33610, (813)870-2607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting of the Wind Mitigation Workgroup to discuss wind mitigation retrofit provisions and roof gravel Criteria and options for the 2007 Florida Building Code.

A copy of the agenda may be obtained by contacting: Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, website: www.floridabuilding.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Ms. Barbara Bryant, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, or call (850)487-1824, Fax (850)414-8436, website: www.floridabuilding.org If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Joe Bigelow, Building Codes and Standards Office, Division of Housing and Community Development, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)487-1824, Fax (850)414-8436, or go to the website at www.floridabuilding.org.

The Training Task Force to the **State Emergency Response Commission for Hazardous Materials** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 18, 2008, 10:00 a.m.

PLACE: Sadowski Building, Conference Room 320Q, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss projects listed on their Strategic Initiatives Work Plan. Those interested in participating in the conference call, please contact Sheri Powers, Florida Division of Emergency Management at (850)413-9925, to obtain the conference call number.

A copy of the agenda may be obtained by contacting: Sheri Powers, State Emergency Response Commission, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)413-9970.

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 State Emergency Response Commission at (850)413-9970. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF REVENUE

The **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2008, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Revenue announces that the following public meetings that were originally scheduled during the regular meeting of the Governor and Cabinet on April 15, 2008 are being rescheduled for April 29, 2008, during a regular meeting of the Governor and Cabinet. The notices for the original April 15, 2008 meetings were published in the March 21, 2008 edition of the F.A.W. (Vol. 34, No. 12, pp. 1699-1700). All

persons are invited to attend this rescheduled meeting: Approval of the proposed amendments to Rule 12A-19.060, Florida Administrative Code (Communications Services Tax – Sales for the Purpose of Resale). Notice of this proposed adoption was published in the F.A.W. on January 25, 2008 (Vol. 34, No. 4, pp. 493-496).

A copy of the agenda may be obtained by contacting: Janet Young at (850)922-9407.

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 **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2008, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Revenue announces that the following public meetings that were originally scheduled during the regular meeting of the Governor and Cabinet on April 15, 2008 are being rescheduled for April 29, 2008, during a regular meeting of the Governor and Cabinet. The notices for the original April 15, 2008 meetings were published in the March 21, 2008 edition of the F.A.W. (Vol. 34, No. 12, pp. 1699-1700). All persons are invited to attend this rescheduled meeting: Approval of the proposed amendments to Rule 12A-1.001, Florida Administrative Code (Sales and Use Tax – Specific Exemptions). Notice of this proposed adoption was published in the F.A.W. on January 25, 2008 (Vol. 34, No. 4, pp. 484-487). Approval of the proposed amendments to Rule 12A-1.0142, Florida Administrative Code (Sales and Use Tax – Refund of Tax Paid on Purchases of Equipment, Machinery, and Other Materials for Renewable Energy Technologies). Notice of this proposed adoption was published in the F.A.W. on January 25, 2008 (Vol. 34, No. 4, pp. 487-488). Approval of the proposed amendments to Rules 12A-1.057, Florida Administrative Code (Sales and Use Tax – Alcoholic and Malt Beverages), 12A-1.060, Florida Administrative Code (Sales and Use Tax – Registration), and Rule 12A-1.097, Florida Administrative Code (Sales and Use Tax – Public Use Forms). Notice of this proposed adoption was published in the F.A.W. on January 25, 2008 (Vol. 34, No. 4, pp. 488-492).

A copy of the agenda may be obtained by contacting: Janet Young at (850)922-9407.

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).

For more information, you may contact: Larry Green at (850)922-4830.

The **Department of Revenue** announces a public meeting to which all persons are invited.

DATE AND TIME: April 29, 2008, during a regular meeting of the Governor and Cabinet, 9:00 a.m.

PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Revenue announces that the following public meetings that were originally scheduled during the regular meeting of the Governor and Cabinet on April 15, 2008 are being rescheduled for April 29, 2008, during a regular meeting of the Governor and Cabinet. The notices for the original April 15, 2008 meetings were published in the March 21, 2008 edition of the F.A.W. (Vol. 34, No. 12, pp. 1699-1700). All persons are invited to attend this rescheduled meeting: Approval of the proposed amendments to Rule 12B-4.014, Florida Administrative Code (Excise Tax on Documents – Conveyances Not Subject to Tax). Notice of this proposed adoption was published in the F.A.W. on January 25, 2008 (Vol. 34, No. 4, pp. 496-497).

A copy of the agenda may be obtained by contacting: Janet Young at (850)922-9407.

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).

For more information, you may contact: Larry Green at (850)922-4830.

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 CITRUS

The Florida **Department of Citrus**, Florida Citrus Commission announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 3, 2008, 2:30 p.m.

PLACE: Florida Department of Citrus, 1115 East Memorial Blvd., Lakeland, Florida 33801

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Commission will convene a special public meeting via telephone to continue discussion of possible changes to the taxing authority contained in Chapter 601, F.S. To access the meeting, dial: 1(888)808-6959, when prompted enter Code 4992373#.

A copy of the agenda may be obtained by contacting: Teresa Czerny at (863)499-2500.

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 Bill Jones at (863)499-2500. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Teresa Czerny at (863)499-2500.

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces a staff workshop to which all persons are invited.

DATE AND TIME: Friday, April 25, 2008, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, FL 32399-0862

GENERAL SUBJECT MATTER TO BE CONSIDERED: UNDOCKETED – Evaluation of the Cost-Effectiveness of Utility-Sponsored Energy Efficiency and Demand-Side Management Programs. To discuss how the costs and benefits of utility-sponsored energy efficiency and demand-side programs should be evaluated. Various methods to evaluate the cost-effectiveness of utility-sponsored energy will be discussed, including (1) what each method is designed to achieve, (2) whether these methods are capturing all the benefits and costs of energy efficiency, (3) how these methods impact the level of conservation goals, (4) whether these methods should be modified to address other concerns, and (5) inclusion and quantification of non-economic costs and benefits. The Commission's staff encourages an open dialog at the workshop from a wide range of stakeholders on how cost-effectiveness measures can be modified to enhance energy efficiency and conservation efforts in Florida. Workshop participants will also be provided with an opportunity to submit post-workshop written comments.

A copy of the agenda may be obtained by contacting: Mark Futrell, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6692 or mfutrell@psc.state.fl.us. You may also contact Lisa Bennett, Office of the General Counsel at (850) 413-6230 or lbennett@psc.state.fl.us. One or more of the Commissioners of the Florida Public Service Commission may attend and participate in the workshop.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop is asked to advise the agency at least 48 hours before the workshop 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: Mark Futrell, Division of Economic Regulation, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6692 or mfutrell@psc.state.fl.us. You may also contact Lisa Bennett, Office of the General Counsel, at (850)413-6230 or lbennett@psc.state.fl.us.

EMERGENCY CANCELLATION OF WORKSHOP: If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to all interested persons. Notice of cancellation of the workshop 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 call the Office of the General Counsel at (850)413-6199.

The Florida **Public Service Commission** announces a workshop to which all persons are invited.

DATE AND TIME: Thursday, May 1, 2008, 9:30 a.m. – 5:00 p.m.

PLACE: Betty Easley Conference Center, Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this workshop is to provide a forum for Florida electric utilities and the three major Incumbent Local Exchange Carriers to brief the Florida Public Service Commission on their 2008 hurricane season preparation. Each utility or association representative will make a brief presentation before the Commission addressing the status of preparation each utility has achieved for protecting its transmission and distribution assets for the 2008 hurricane season, including the work remaining to be completed and areas of concern or vulnerability. Following each presentation will be a brief question and answer period by the Commissioners and staff.

Emergency Cancellation of the Workshop: If a named storm or other disaster requires cancellation of the workshop, Commission staff will attempt to give timely direct notice to all interested persons. Notice of cancellation of the workshop 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.

A copy of the agenda may be obtained by contacting: Steve Garl, Division of Economic Regulation, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6676.

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 the Office of the 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: Keino Young, Office of General Counsel, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, (850)413-6226.

EXECUTIVE OFFICE OF THE GOVERNOR

The **Office of Drug Control** announces a public meeting to which all persons are invited.

DATE AND TIME: April 18, 2008, 10:00 a.m. – 4:00 p.m.

PLACE: Shuster Cafe/Southwood Center, 4055 Esplanade Way, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Seaport Security Standards.

A copy of the agenda may be obtained by contacting: Gil Barnes at (850)922-0867.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting Gil Barnes at (850)922-0867. 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: Gil Barnes at (850)922-0867.

The **Agency for Enterprise Information Technology**, The State of Florida, Chief Information Officers (CIO) Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2008, 10:00 a.m. – 12:00 Noon

PLACE: Betty Easley Conference Center, Room 152, 4075 Esplanade Way, Tallahassee, FL 32399-0850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To enhance communication among the Chief Information Officers of all state agencies and assist in identifying critical statewide information technology issues.

A copy of the agenda may be obtained by contacting: Gail Kent, Department of Financial Services, email: Gail.Kent@myfloridacfo.com, (850)413-1557.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Gail Kent, with the Department of Financial Services, (850)413-1557, email Gail.Kent@myfloridacfo.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 **Governor's Office of Film and Entertainment** and the **Florida Film and Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 22, 2008, 9:30 a.m.

PLACE: Office of Film and Entertainment, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss Legislative Committee issues that have arisen since the 2008 1st quarter meeting. Please call: 1(888)808-6959, Conference #: 4104765 #.

A copy of the agenda may be obtained by contacting the OFE at (850)410-4765.

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).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the OFE at (850)410-4765.

REGIONAL PLANNING COUNCILS

The **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2008, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Executive Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2008, 6:00 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Regional Planning Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. 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 **North Central Florida Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2008, 6:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 S. W. Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the Clearinghouse Committee of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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 business days before the workshop/meeting by calling (352)955-2200. 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 North Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: April 24, 2008, 7:30 p.m.

PLACE: Holiday Inn Hotel and Suites, 213 Southwest Commerce Drive, Lake City, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the regular business of the North Central Florida Regional Planning Council.

A copy of the agenda may be obtained by contacting: North Central Florida Regional Planning Council, 2009 N. W. 67 Place, Gainesville, Florida 32653-1603.

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

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 East Central Florida Regional Planning Council announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 16, 2008, 10:00 a.m.

PLACE: 631 N. Wymore Road, Suite 100, Maitland, FL 32751

GENERAL SUBJECT MATTER TO BE CONSIDERED: The regular monthly meeting of the East Central Florida Regional Planning Council. The SMART GROWTH ALLIANCE will meet at 12:30 p.m. immediately following the ECFRPC Council meeting.

A copy of the agenda may be obtained by contacting: Ruth Little at (407)623-1075 or by email at rlittle@ecfrpc.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 24 hours before the workshop/meeting by

contacting: Ruth Little at (407)623-1075 or rlittle@ecfrpc.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Ruth Little, 631 N. Wymore Road, Maitland, FL 32751 or by email at rlittle@ecfrpc.org.

REGIONAL TRANSPORTATION AUTHORITIES

The South Florida Regional Transportation Authority announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, April 25, 2008, 9:30 a.m.

PLACE: South Florida Regional Transportation Authority, Administration Building, Board Room, Suite 100, 800 N. W. 33rd Street, Pompano Beach, Florida 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting.

A copy of the agenda may be obtained by contacting the Executive Office at (954)788-7915.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, Florida 33064. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 Tampa Bay Area Regional Transportation Authority announces a public meeting to which all persons are invited.

TBARTA

DATE AND TIME: Friday, April 25, 2008, 9:30 a.m. – 12:00 Noon

PLACE: Tampa Bay Regional Planning Council, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss developing a comprehensive Regional Transportation Master Plan for Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee and Sarasota Counties.

Prior to the monthly meeting of the TBARTA Board, two advisory groups will meet. These groups provide advice to the Board regarding the development of the Regional Transportation Master Plan.

The Citizens Advisory Committee (CAC) will meet at the Tampa Bay Regional Planning Council office, 4000 Gateway Centre Blvd., Suite 100, Pinellas Park, FL, Wednesday, April 16, 2008, 10:00 a.m. This group of volunteers provides region-oriented advice to the Board from a citizen's perspective.

Later in the day, the Transit Management Committee (TMC) will meet at the Pinellas Suncoast Transit Authority office, 3201 Scherer Drive, St. Petersburg, FL, Wednesday, April 16, 2008, 1:30 p.m. Consisting of representatives of the region's transit agencies, this group advises the Board on the technical development of the Master Plan and its future implementation. Agendas for the Board, CAC, and TMC meetings will be available online about five days prior to each meeting at <http://www.tbarta.com>.

All meetings of the TBARTA Board and its advisory committees are open to the public.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting. Individuals requiring accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Brandie Miklus at least three (3) days prior to the meeting at (813)217-4037. Public participation is solicited without regard to race, color, religion, sex, age, nation origin, disability, or family status. 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).

WATER MANAGMENT DISTRICTS

The **Northwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 24, 2008, 1:00 p.m. (EDT)
PLACE: District Headquarters, 10 miles west of Tallahassee on Highway 90, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Governing Board Meeting – to Consider District Business.

OTHER MEETINGS TO BE HELD ON APRIL 24, 2008:

11:00 a.m. (EDT) District Lands Committee – to discuss Land Acquisition Matters

12:00 Noon (EDT) Administration, Budget, and Finance Committee – to discuss Amendments to the Fiscal Year 2007-2008 Budget

1:15 p.m. (EDT) Public Hearing on Consideration of Regulatory Matters

1:30 p.m. (EDT) Public Hearing on Consideration of Land Acquisition Matters

A copy of the agenda may be obtained by contacting: Dorothy Cotton, NFWFMD, 81 Water Management Drive, Havana, Florida 32333, (850)539-5999, dorothy.cotton@nfwfmd.state.fl.us or on the internet at www.nfwfmd.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting Larry Wright at the District. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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 **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, April 22, 2008, 9:00 a.m.

PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: GOVERNING BOARD MEMBER BRIEFING: Brief new Governing Board members on water issues. Ad Order 11339.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2008, 8:00 a.m.
PLACE: Tampa Service Office, 7601 Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED:
TOUR OF THE TAMPA BYPASS CANAL: Tour the Tampa Bypass Canal and the Lower Hillsborough River Flood Detention Area. Ad Order 11339.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604, 1(800)423-1476 (Florida) or Frances Sesler at (352)796-7211, extension 4608.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the General Services Department at 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact the SWFWMD Executive Department at the address above.

REGIONAL UTILITY AUTHORITIES

The **Big Bend Water Authority** announces a public meeting to which all persons are invited.

DATES AND TIME: 2nd and 4th Thursday of every month until October 1, 2008, 6:00 p.m.

PLACE: 1313 First Avenue, S. E., Steinhatchee, Florida 32359

GENERAL SUBJECT MATTER TO BE CONSIDERED: 2008 Regular board meeting schedule.

A copy of the agenda may be obtained by contacting the Big Bend Water Authority at (352)498-3576.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting Jo Hiers at (352)498-3576. 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: Jo Hiers at (352)498-3576.

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: April 28, 2008, 9:30 a.m. – 12:00 Noon

PLACE: Agency for Health Care Administration, Conference Room A, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a roundtable discussion for Provider Service Network (PSN) representatives. The discussion will be focused on gaining feedback on Medicaid Reform implementation and lessons learned from the Fee-for-Service PSNs' perspective.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or (850)488-3560.

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

For more information, you may contact Josh Davis with the information listed above.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: April 28, 2008, 1:00 p.m. – 3:30 p.m.

PLACE: Agency for Health Care Administration, Conference Room A, 2727 Mahan Drive, Tallahassee, FL 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration will be hosting a roundtable discussion for Provider Service Networks and Health Maintenance Organizations to gain feedback on rural county expansion, including Baker, Clay and Nassau Reform expansion, and lessons learned on Reform implementation.

A copy of the agenda may be obtained by contacting: Josh Davis at davisjd@ahca.myflorida.com or (850)488-3560.

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

For more information, you may contact: Josh Davis with the information listed above.

The **Agency for Health Care Administration, Medicaid** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday May 5, 2008, 10:00 a.m. – 4:00 p.m.

PLACE: Renaissance Orlando Airport Hotel, 5445 Forbes Place, Milan Rooms A and B, Orlando, Florida 32812

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the council including but not limited to review of Medicaid organ transplant policies and recommendations for Medicaid State Plan changes.

A copy of the agenda may be obtained by contacting: Theresa Kumar, Transplant Coordinator, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7322, or kumart@ahca.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Theresa Kumar. 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, Pharmaceutical and Therapeutics Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, June 18, 2008, 9:30 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Members of the public who wish to testify at this meeting must contact Mark Gibson at (850)487-3270. The number of speakers will be limited and will be accommodated in order of notification to Mr. Gibson. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website: http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug. Procedures for speakers to follow are also available on the website.

A copy of the agenda may be obtained by contacting: Mark Gibson at gibsonm@ahca.myflorida.com.

DEPARTMENT OF MANAGEMENT SERVICES

The **Department of Management Services, Communications and Information Technology Services** announces the Joint Task Force on State Agency Law Enforcement Communications announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2008, 9:00 a.m.

PLACE: Department of Management Services, 4030 Esplanade Way, Suite 301, Tallahassee, Florida 32399-0950

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss operational matters of the Statewide Law Enforcement Radio System. The Conference call number is (850)245-5733 or Suncom 205-5733.

For more information about the agenda, contact :Bruce Meyers at (850)922-7510, e-mail bruce.meyers@dms.myflorida.com.

The **Department of Management Services, Communications and Information Technology Services** announces the Florida Region 9, 700 MHz Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2008, 9:00 a.m.

PLACE: Innisbrook Resort and Golf Club, 36750 U.S. Highway 19 North, Palm Harbor, Florida (Room Location will be in the Lobby)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida 9, 700 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the 2008 Florida APCO chapter Conference in Palm Harbor. A formal agenda will be provided on the day of the meeting. All committee members and public safety agencies, including State, Municipality, County, Native American Tribal, and Non-governmental organizations eligible under Section 90.523 of the commission's rules, are invited to attend this session.

For more information contact: Ray Carlson, Chairman, Florida Region 9 Planning committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514, e-mail carlsonr@pbso.org.

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

The **Department of Management Services, Communications and Information Technology Services** announces the Florida Region 9, 800 MHz Committee announces a public meeting to which all persons are invited.

DATE AND TIME: May 8, 2008, 1:30 p.m.

PLACE: Innisbrook Resort and Golf Club, 36750 U.S. Highway 19 North, Palm Harbor, Florida (Room Location will be in the Lobby)

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and take action on the Florida Region 9, 800 MHz Committee (FCC Region 9) agenda. The meeting will take place in conjunction with the 2008 Florida APCO Chapter

Conference in Palm Harbor. A formal agenda will be provided on the day of the meeting. All committee members and public safety agencies, including State, Municipality, County, Native American Tribal, and Non-governmental organization eligible under Section 90.523 of the Commission's rules, are invited to attend this session. For more information contact: Ray Carlson, Chairman, Florida Region 9 Planning Committee, 3228 Gun Club Road, West Palm Beach, Florida 33406, (561)688-3514, e-mail: carlsonr@pbso.org.

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

The **Department of Management Services** announces a public meeting to which all persons are invited.

DATES AND TIMES: April 28, 2008, 1:00 p.m. – 4:00 p.m.; April 29, 2008, 9:00 a.m. – 12:00 Noon; May 5, 2008, 1:00 p.m – 4:00 p.m.; May 7, 14, 21, 2008, 9:00 a.m. – 12:00 Noon

PLACE: 4050 Esplanade Way, Conference Room 101, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and approve 2007 applications for undesignated funds:

- April 28, 2008, 1:00 p.m. – 4:00 p.m (review of applications submitted by CHC)
- April 29, 2008, 9:00 a.m. – 12:00 Noon (review of applications submitted by America's Charities, Neighbor to Neighbor, Earthshare, as well as Florida Endowment Foundation for Vocational Rehabilitation, Florida Chapter of the Wildlife Society, Council on American Islamic Relations, Florida Association of Rehabilitation Facilities and the Louie Bing Athletic Scholarship Fund)
- May 5, 2008, 1:00 p.m – 4:00 p.m. (reserved for presentation of additional information on tentatively denied applications) To review and approve applications for the 2008 campaign
- May 7, 2008, 9:00 a.m. – 12:00 Noon
- May 14, 2008, 9:00 a.m. – 12:00 Noon
- May 21, 2008, 9:00 a.m. – 12:00 Noon

A copy of the agenda may be obtained by contacting: Erin Thoresen at (850)922-1274 or erin.thoresen@dms.myflorida.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting Erin Thoresen at (850)922-1274 or erin.thoresen@dms.myflorida.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).

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: Erin Thoresen at (850)922-1274 or erin.thoresen@dms.myflorida.com.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

The **Community Association Managers** announces a telephone conference call to which all persons are invited.

DATE AND TIME: May 9, 2008, 10:30 a.m.

PLACE: This meeting will be held via conference call. Conference Call: 1(888)808-6959, Conference Code: 4879597

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Board Office for the Community Association Managers at (850)922-5012, Fax (850)922-2918.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the Board Office for the Community Association Managers at (850)922-5012, Fax (850)922-2918. 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: Board Office for the Community Association Managers at (850)922-5012, Fax (850)922-2918.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATE AND TIMES: April 22, 2008, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the agenda may be obtained by contacting: Jeff Kelly, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (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, Office of the General Counsel, 1940 N. Monroe Street, Suite 42, Tallahassee, Florida 32399-2202, (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.

The **Board of Professional Geologists** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, April 24, 2008, 9:00 a.m.

PLACE: Omni Jacksonville Hotel, 245 Water Street, Jacksonville, Florida 32230

GENERAL SUBJECT MATTER TO BE CONSIDERED: Application Review and general board business.

A copy of the agenda may be obtained by contacting: Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

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: Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, Florida 32399.

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, April 17, 2008, 1:00 p.m.

PLACE: Ed Ball Building, City of Jacksonville Public Works, 1st Floor, Training Room, 214 North Hogan Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower St. Johns River Tributaries (LSJRT) Fecal Coliform Technical Working Group was formed to provide a forum for stakeholders to discuss issues related to the LSJRT TMDLs, including development, allocation, and implementation of the TMDLs. Topics for this meeting include discussion of the Lower St. Johns River Tributaries Fecal Coliform Basin Management Action Plan.

A copy of the agenda may be obtained by contacting: Ms. Amy Tracy, 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)245-8506.

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. Amy Tracy at (850)245-8506. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2008, 6:30 p.m.

PLACE: Bithlo Community Center, 18501 Washington Ave., Orlando, Florida 32820

GENERAL SUBJECT MATTER TO BE CONSIDERED: Developed through the cooperation of Orange County, the Florida Department of Environmental Protection, and the Florida Department of Agriculture and Consumer Services, the Long Branch BMAP was developed to address elevated fecal coliform bacteria and low dissolved oxygen levels in the Long Branch watershed. The BMAP lays out the steps completed and planned to address fecal coliform and dissolved oxygen Total Maximum Daily Loads adopted by the Department of Environmental Protection for Long Branch. Topics for this meeting include a review of water quality conditions in Long Branch, review of the completed BMAP management actions, and discussion of planned future activities.

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).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

Energy Supply and Demand Technical Workgroup

DATE AND TIME: May 7, 2008, 1:30 p.m. – 3:30 p.m. or until completion of business

PLACE: The Carr Building, Room 153, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804, and entering the following code: 612147

Agriculture, Forestry and Waste Technical Workgroup

DATE AND TIME: May 20, 2008, 10:00 a.m. – 12:00 Noon or until completion of business

PLACE: The Douglas Building, Conference Room B, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 436766#

Transportation and Land Use Technical Workgroup

DATE AND TIME: May 14, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The Douglas Building, Conference Room A, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 372144 #

Cap and Trade Technical Workgroup

DATE AND TIME: May 7, 2008, 2:00 p.m. – 4:00 p.m. or until completion of business

PLACE: The Douglas Building, Conference Room B, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 162223 #

Government Policy Coordination Technical Workgroup

DATE AND TIME: May 14, 2008, 9:00 a.m. – 11:00 a.m. or until completion of business

PLACE: The Douglas Building, Conference Room B, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 232679 #

Adaptation Technical Workgroup

DATE AND TIME: May 12, 2008, 1:00 p.m. – 3:00 p.m. or until completion of business

PLACE: The Carr Building, Room 153, Tallahassee, FL via teleconference and members of the public may join the meeting by dialing 1(800)704-9804 and entering the following code: 883437 #

GENERAL SUBJECT MATTER TO BE CONSIDERED: These are meetings of the technical workgroups associated with the Governor's Action Team on Energy and Climate Change to continue discussion of policy issues regarding the development of a comprehensive Energy and Climate Change Action Plan that will address statewide greenhouse gas reductions specified in Executive Order 07-127.

A copy of the agenda may be obtained by contacting: Florida Department of Environmental Protection, Attn: Allena Nelson (allena.nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

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: Florida Department of Environmental Protection, Attn: Allena Nelson (allena.nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002. 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 Department of Environmental Protection, Attn: Allena Nelson (allena.nelson@dep.state.fl.us), Office of Strategic Planning, 3900 Commonwealth Blvd., M.S. 18, Tallahassee, Florida 32399-3000 or by calling (850)245-2002.

The **Bureau of Beaches and Coastal Systems** announces a workshop to which all persons are invited.

DATE AND TIME: April 24, 2008, 6:00 p.m.

PLACE: Bradenton Beach City Hall, 107 Gulf Drive North, Bradenton Beach, Florida 34217

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Coquina Beach Nourishment Project, and the establishment of an Erosion Control Line for said project. The location of the proposed erosion control project is as follows: Section 4, 9, 10 and 15, Township 35 S, Range 16 E, Manatee County, Florida.

A copy of the agenda may be obtained by contacting: Charlie Hunsicker, Conservation Lands Management Department, Manatee County Government at (941)745-3727 or 415 10th Street West, Bradenton, FL 34205.

The **Board of Trustees of The Internal Improvement Trust Fund** announces a hearing to which all persons are invited.

DATE AND TIME: April 24, 2008, 6:30 p.m.

PLACE: Bradenton Beach City Hall, 107 Gulf Drive North, Bradenton Beach, Florida 34217

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed establishment of an Erosion Control Line, pursuant to Section 161.161, Florida Statutes. This hearing will consider evidence bearing on the location of a proposed Erosion Control Line for the beach erosion control project known as the Coquina Beach Nourishment Project. The location of the proposed Erosion Control Line is as follows:

The proposed Erosion Control Line lies along the island of Anna Maria fronting the Gulf of Mexico at the line of mean high water. The Erosion Control Line lies in Sections 4, 9, 10, and 15 Township 35 South, Range 16 East.

Written objections to, or inquires regarding, the proposed Erosion Control Line should be submitted to: Catherine Florko, Environmental Specialist III, Florida Department of Environmental Protection, Bureau of Beaches and Coastal Systems, 3900 Commonwealth Boulevard, Mail Station 300, Tallahassee, Florida 32399-3000, prior to the hearing date. The Board of Trustees of the Internal Improvement Trust Fund of the State of Florida reserves the right to deny establishment of the Erosion Control Line.

A copy of the agenda may be obtained by contacting: Catherine Florko at the address cited above, by phone (850)922-7706, Fax (850)488-5257 or e-mail: Catherine.Florko@dep.state.fl.us.

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

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

DEPARTMENT OF HEALTH

The **Board of Dentistry** announces a public meeting to which all persons are invited.

DATES AND TIMES: June 19, 2008, 5:00 p.m.; June 20, 2008, 8:00 a.m.

PLACE: Marriott Tampa Airport, Tampa International Airport, Tampa, FL 33607, (813)879-5151

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general board business.

A copy of the agenda may be obtained by contacting: Sue Foster, Executive Director, Department of Health, Board of Dentistry 4052 Bald Cypress Way, BIN #C08, Tallahassee, Florida 32399-3258.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based. Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact Sarah Walls, (850)245-4474, at least five calendar days prior to the meeting. Persons who are hearing or speech impaired, can contact: Ms. Walls using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Health**, Bureau of Emergency Medical Services announces a public meeting to which all persons are invited.

DATES AND TIMES: April 28, 2008, 9:00 a.m.; April 29 – May 1, 2008, 8:30 a.m. (The beginning and ending times may vary depending upon the pace of business accomplished. Specific information on the schedule will be presented each day during the meeting.)

PLACE: Embassy Suites Hotel Orlando-North, 225 Shorecrest Drive, Altamonte Springs, FL 32701, (407)834-2400

GENERAL SUBJECT MATTER TO BE CONSIDERED: To assess grant applications which request 75% funding and were submitted to the Department of Health, Bureau of Emergency Medical Services, and to determine funding recommendations.

A copy of the agenda may be obtained by contacting: Donna Bruce, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2782, Fax (850)245-4378, e-mail Donna_Bruce@doh.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Donna Bruce, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2782, Fax (850)245-4378, e-mail Donna_Bruce@doh.state.fl.us. If you are hearing or speech impaired, please contact: the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Donna Bruce, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin #C18, Tallahassee, FL 32399-1738, (850)245-4440, ext. 2782, Fax (850)245-4378, e-mail Donna_Bruce@doh.state.fl.us.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Department of Children and Family Services**, Circuit 10 announces a public meeting to which all persons are invited.
 DATE AND TIME: Friday, April 25, 2008, 9:30 a.m.
 PLACE: Department of Children and Family Services, 1055 U.S. 17 North, Bartow, FL 33830
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Chapter 39 Local Planning Team of the Office of Adoption and Child Protection.

A copy of the agenda may be obtained by contacting: Diane Dvorak, Department of Children and Families at (863)619-4100.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Diane Dvorak, Department of Children and Families, (863)619-4100. 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: Diane Dvorak, Department of Children and Family Services at (863)619-4100.

The **Local Planning Team** announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, May 19, 2008, 2:30 p.m.; Tuesday, September 2, 2008, 2:30 p.m.

PLACE: 210 N. Palmetto Avenue, Conference Room 148, Daytona Beach, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: May 19, 2008 – regular board meeting.

September 2, 2008 – Review CAPP Advisory Council feedback.

A copy of the agenda may be obtained by contacting: Betsy Lewis at (386)947-4048.

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: Betsy Lewis at (386)947-4048. 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 **Family Care Council** announces a public meeting to which all persons are invited.

DATE AND TIME: April 25, 2008, 10:00 a.m.

PLACE: Visions ADT, Sebring, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Meeting Information for Family Care Council.

Highlands-Hardee Satellite Group.

Area 17 APD.

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: Sara Howerton at (863)413-3360. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: May 2, 2008, 9:00 a.m. – until adjourned

PLACE: Tallahassee City Hall Commission Chambers, 300 Adams Street, Tallahassee, FL 32301. The meeting will also take place telephonically, and some Board Members may participate and vote telephonically. To participate by telephone: Call In Number: 1(888)808-6959, Conference Code: 4884197

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.

6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.
16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the May 2, 2008, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, (850)488-4197, approximately two days before the scheduled meeting, or by visiting the Corporation's website at www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney 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.

SOIL AND WATER CONSERVATION DISTRICTS

The **Okeechobee Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 9, 2008, 8:00 a.m.
 PLACE: USDA Okeechobee Service Center, Okeechobee, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

The **South Dade Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 17, 2008, 9:30 a.m. – 12:00 Noon
 PLACE: USDA Florida City Service Center, 1450 N. Krome Ave., Suite 102 Conference Room, Florida City, FL 33034
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular monthly Board of Supervisors meeting.
 A copy of the agenda may be obtained by calling (305)242-1288.

The **Palm Beach Soil and Water Conservation District** announces a public meeting to which all persons are invited.

DATE AND TIME: April 22, 2008, 8:00 a.m.
 PLACE: USDA Service Center, 750 S. Military Trail, Suite H, West Palm Beach, FL 33415
 GENERAL SUBJECT MATTER TO BE CONSIDERED: General Business.

A copy of the agenda may be obtained by contacting: Laura at (561)683-2285, ext. 3.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Omelio or Laura at (561)683-2285, ext. 3. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

FLORIDA ATLANTIC RESEARCH AND DEVELOPMENT AUTHORITY

The **Florida Atlantic Research and Development Authority** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 16, 2008, 8:00 a.m.
 PLACE: 3701 FAU Blvd., Suite 210, Technology Business Incubator
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Park tenant evaluation and approval.

A copy of the agenda may be obtained by contacting: Scott Ellington at scott@research-park.org or (561)416-6092.

For more information, you may contact: Elizabeth Laubach at (727)570-9696, ext. 233.

ENTERPRISE FLORIDA, INC.

The **Enterprise Florida, Inc.**, Legislative Policy Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 18, 2008, 10:00 a.m.

PLACE: Conference Call: 1(866)861-4345, Conference Code 8502986636

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will discuss business climate issues that may be improved by the proactive support of the legislature.

A copy of the agenda may be obtained by contacting: April Money at (850)294-5864.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: April Money at (850)294-5864. 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).

AREA AGENCY ON AGING OF PASCO-PINELLAS

The **Area Agency on Aging of Pasco-Pinellas** announces a public meeting to which all persons are invited.

DATE AND TIME: April 21, 2008, 9:30 a.m.

PLACE: Life Care Center of New Port Richey, 7400 Trouble Creek Rd., New Port Richey, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items related to Area Agency on Aging of Pasco-Pinellas Business and Board of Directors over site.

A copy of the agenda may be obtained by contacting: Elizabeth Laubach at (727)570-9696, ext. 233.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Elizabeth Laubach at (727)570-9696, ext. 233. 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.

VOLUNTEER FLORIDA FOUNDATION

The **Florida Faith-based and Community-based Advisory Council** announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 21, 2008, 1:00 p.m.

PLACE: 1(888)808-6959, Passcode 4130909

GENERAL SUBJECT MATTER TO BE CONSIDERED: Best Practices Subcommittee will discuss drug abuse prevention and other matters pertaining to faith-based and community-based organizations' response to substance abuse.

A copy of the agenda may be obtained by contacting: Suzanne Yack at (904)755-7740.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 2 days before the workshop/meeting by contacting: Suzanne Yack at (904)755-7740. 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: Suzanne Yack at (904)755-7740.

FLORIDA AUTOMOBILE JOINT UNDERWRITING ASSOCIATION

The **Florida Automobile Joint Underwriting Association** announces the following meetings to which all persons are invited.

FAJUA Finance Committee Meeting

DATE AND TIME: Monday, April 21, 2008, 3:00 p.m.

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review and discuss matters relating to FAJUA Financial Reporting and any other matters that may come before the committee.

Annual Meeting of Members

DATE AND TIME: Tuesday, April 22, 2008, 8:30 a.m.

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To approve Annual Meeting minutes of April 10, 2007; receive Association's annual report; and consider any other matters that may come before the Members.

Board of Governors Meeting

DATE AND TIME: Tuesday, April 22, 2008, immediately following the Annual Meeting

PLACE: Conrad Miami, 1395 Brickell Avenue, Miami, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive reports of the general manager, committees, and counsel; to consider and take actions based on those reports; and consider any other matters that may come before the Board.

Additional information may be obtained from: Lisa Stoutamire, 1425 Piedmont Drive, East, #201A, Tallahassee, FL, (850)681-2003, lstoutamire@fajua.org.

FLORIDA SELF-INSURERS GUARANTY ASSOCIATION, INC.

The **Florida Self-Insurers Guaranty Association, Inc.** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Wednesday, April 23, 2008, 3:00 p.m.
 PLACE: Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308
 GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will meet to discuss general business of the Association.

A copy of the agenda may be obtained by contacting: Brian Gee, Executive Director, Florida Self-Insurers Guaranty Association, Inc., 1427 E. Piedmont Drive, 2nd Floor, Tallahassee, FL 32308, (850)222-1882.

FLORIDA WORKERS' COMPENSATION JOINT UNDERWRITING ASSOCIATION, INC.

The **Florida Workers' Compensation Joint Underwriting Association, Inc.**, Investment Committee announces a telephone conference call to which all persons are invited.

DATE AND TIME: April 25, 2008, 10:00 a.m.
 PLACE: To participate in the teleconference meeting, please contact: Kathy Coyne at (941)378-7408
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Agenda items will include Approval of Minutes; Investment Marketplace Update; Review of Investment Policy; Review of Policies and Guidelines for the Investment of Assets and Associated Matters; and Investment Manager's Performance/Selection.

A copy of the agenda may be obtained by contacting: Kathy Coyne at (941)378-7408, or from the FWCJUA's website: www.fwcjua.com.

CITIZENS PROPERTY INSURANCE CORPORATION

The Audit Committee of **Citizens Property Insurance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, April 30, 2008, 2:30 p.m. (EDT)

PLACE: Crowne Plaza Hotel, 5555 Hazeltine National Drive, Orlando, Florida
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Items for discussion includes, but is not limited to, the Draft 2008 Audit Plan.

For additional information, please call Betty Veal at (904)407-0440.

Special Accommodations: In accordance with the Americans with Disabilities Act, people with disabilities or impairments who require assistance to participate in this meeting are requested to contact: Betty Veal at least 5 days prior to the meeting.

A copy of the agenda may be obtained by contacting: <http://www.citizensfla.com>.

The **Citizens Property Insurance Corporation**, Board of Governors announces a public meeting to which all persons are invited.

DATE AND TIME: May 1, 2008, 9:00 a.m.
 PLACE: Crowne Plaza Hotel, Orlando, FL
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Financial Statements and Committee Reports.

A copy of the agenda may be obtained by contacting: www.citizensfla.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Barbara Walker at 1(800)807-7647, extension 3744. 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: Barbara Walker.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Thursday, May 1, 2008, 10:00 a.m.
 PLACE: Dial 1(866)200-9760 followed by PIN: 8938936#
 GENERAL SUBJECT MATTER TO BE CONSIDERED: Executive Committee meeting.

A copy of the agenda may be obtained by contacting: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312. Agendas can also be requested via e-mail at susan.a.moore@comcast.net

Section VII

Notices of Petitions and Dispositions Regarding Declaratory Statements

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by George Coleman on behalf of the City of West Melbourne, Florida (Petitioner) and the request to intervene filed by David Hudson on behalf of Hammock Landing/Melbourne West, LLC on January 11, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA07-DEC-290.

The Commission determined that a one-story building of Type II-B, M occupancy, including retail space for two anchor stores, each of which owns the land beneath the footprint of the respective store and are separated from each other by a space under the common ownership of the developer that will be rented or leased to retail stores, may be constructed in accordance with the requirements of section 507.2, of the Florida Building Code (2004 as amended) provided that the separation walls between each of the anchor store areas and the areas under common ownership are constructed as required for a zero lot line in accordance with section 602.1 of the code, specifically that the walls demonstrate two hour fire resistance. A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT FLORIDA BUILDING COMMISSION has issued an order disposing of the petition for declaratory statement filed by Alan Fallik, on behalf of the City of Hollywood, Florida (Petitioner) on January 16, 2008. The following is a summary of the agency's disposition of the petition: The petition was subsequently amended by Mr. Robert Fine, Esq., on January 16, 2008. It was assigned the number DCA07-DEC-179.

The Commission determined that Petitioner is entitled to rely on past consistent interpretations of the Department of Environmental Protection and Natural Resources of the regulations contained in section 3109.3 of the Florida Building Code (2004 as amended) as to the uses that are allowed seaward of the Coastal Construction Control Line ("CCCL"). A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

NOTICE IS HEREBY GIVEN THAT Florida Building Commission has issued an order disposing of the petition for declaratory statement filed by Karen Wallace Oliver, on behalf

of Wallen Service Corp., (Petitioner). on January 8, 2008. The following is a summary of the agency's disposition of the petition: It was assigned the number DCA08-DEC-004.

The Commission determined that the Florida Building Code (2004 as amended) allows, but does not require, the use of the Air Conditioning Contractors of America (ACCA) Manual S in determining the capacity of residential heating and cooling equipment.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: Paula P. Ford, Commission Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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

DEPARTMENT OF HEALTH

NOTICE IS HEREBY GIVEN THAT the Board of Nursing has received the petition for declaratory statement from Jeseca White, RN. The petition seeks the agency's opinion as to the applicability of as it applies to the petitioner.

The Petitioner seeks the Board's direction under statutory "scope of practice" provisions. Specifically, the Petitioner requests that the Board issue a Declaratory Statement determining under nursing scope of practice provisions whether it is within the scope of practice for a Registered Nurse, working in the operating room as a circulator for orthopedic procedures, to apply a tourniquet, wrap the operative extremity in Esmark, and then insufflate the tourniquet when the operating surgeon is present in the room. A second question is whether it is within the scope of practice for a Registered Nurse, working in the operating room as a circulator for orthopedic procedures, to apply a tourniquet, wrap the operative extremity in Smirk, and then insufflate the tourniquet when the operating surgeon is not present in the room. This petition will be considered by the Board at its June Board meeting.

The Board of Psychology hereby gives notice that on March 17, 2008, it received a Petition for Declaratory Statement filed by Maria C. Fernandez, Ph.D. The petition seeks the Board's

interpretation of Section 490.0149, F.S., and whether Dr. Fernandez may hold herself out to be a Certified School Psychologist.

Copies of the petition may be obtained from: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3253.

NOTICE IS HEREBY GIVEN THAT the Florida Department of Health, Division of Emergency Medical Operations, Bureau of Emergency Medical Services, has received the petition for declaratory statement from Captain John Curry, City of Coral Gables Fire Department, on March 28, 2008. The petition seeks the agency’s opinion as to the applicability of Chapter 64E-2, Florida Administrative Code, as it applies to the petitioner.

The petitioner seeks to know if there are any state regulations or guidelines regarding the use of “Bike Medics”.

A copy of the Petition for Declaratory Statement may be obtained by contacting: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, Fax (850)488-9408, email: lisa_walker2@doh.state.fl.us.

Please refer all comments to: Lisa Walker, Government Analyst II, Department of Health, Bureau of Emergency Medical Services, 4052 Bald Cypress Way, Bin C-18, Tallahassee, FL 32399-1738, Fax (850)488-9408, email: lisa_walker2@doh.state.fl.us.

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:

Lamar Outdoor Advertising-Lakeland vs. Department of Transportation; Case No.: 08-1408RX; Rule No.: 14-10.007(2)(b)

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1512RP; Rule Nos.: 59G-13.081, 59G-13.084

Hernando Sosa, By and through his next friend Teresita Sosa, Kenneth Gibson, By and through his next friend Dianna McCullough, and the Advocacy Center for Persons with Disabilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1290RP; Rule No.: 59G-13.083

Florida Association of Rehabilitation Facilities, Inc. vs. Agency for Health Care Administration; Case No.: 08-1568RP; Rule No.: 59G-13.083

Hartman and Tyner, Inc., d/b/a/ Mardi Gras Gaming vs. Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering; Case No.: 08-1310RP; Rule No.: 61D-11.012(5)(d)

Emmett and Linda Hildreth vs. Florida Fish and Wildlife Conservation Commission; Case No.: 08-1243RU

The Renaissance Charter School, Inc., and the Lee Charter Foundation, Inc. vs. Department of Education; Case No.: 08-1309RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Fairdistrictsflorida.org vs. Department of State, Division of Elections; Case No.: 07-5665RX; Rule No.: 1S-2.009(8); Invalid

Peter B. Dolinger vs. Department of Corrections; Case No.: 08-0682RX; Rule No.: 33-203.201(4); Dismissed

Blue Chip Construction Company and Marcia Muldrow-Sanders vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 08-0653RX; Rule No.: 61G4-15.001(1)(a); Dismissed

Juan Cuellar, Luis Garcia and Gerardo Quintero vs. Department of Business and Professional Regulation, Construction Industry Licensing Board; Case No.: 07-5767RX; Rule No.: 61G4-15.008; Invalid

First Commercial Claims Service vs. Department of Financial Services; Case No.: 07-5676RX; Rule No.: 69L-7.501; Voluntarily Dismissed

Indemnity Insurance Company of North America vs. Department of Financial Services; Case No.: 08-1060RX; Rule No.: 69L-7.501; Dismissed

Florida Health Care Assoc., Inc., A Florida Corp. Not For Profit; and Florida Assoc. of Homes for the Aging, A Florida Corp. Not For Profit and Florida Assoc. of Homes and Services for the Aging, Inc., A Florida Corp, Not For Profit vs. Agency for Health Care Administration; Case No. 08-0589RU; Dismissed

George Marshall Smith vs. Department of Financial Services; Case No.: 08-0671RU; Dismissed

Moshe Leib, d/b/a Tblimo.com vs. Hillsborough County Public Transportation Commission; Case No.: 08-0855RU; 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

Invitation to Bid

The University of Florida, Purchasing and Disbursement Services will receive sealed bids for the following: ITB08SV-283, W/O 972701, Walker Chiller Plant M.V. Switchgear Replacement, estimated budget: \$900,000, to be opened May 13, 2008, 2:00 p.m., in 101 Elmore Hall, Radio Road, Gainesville, FL. Scope of work: Remove 5kV switchgear and relocate 480V unit substation in the Walker Chiller Plant. Remove 5kV secondary and control cables from Substation #7 to the Walker Chiller. Work includes new medium voltage switchgear, medium voltage cabling, underground ductbanks, control wiring, d.c. battery rack and charger, 1000 kVA medium voltage unit substation with 480V distribution. Mandatory Pre-Bid Meeting will be held April 23, 2008, 1:00 p.m., in the PPD A/E Conference Room, Building 700, Radio Road, Gainesville, FL. Specifications and Plans are available in Purchasing, Elmore Hall, Radio Road, Gainesville, FL 32611. Questions should be directed to Karen Olitsky, 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.

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

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

STATE BOARD OF ADMINISTRATION

Invitation to Bid

The State Board of Administration of Florida (SBA) is soliciting competitive responses from parties interested in offering any of the following services to the Florida Hurricane Catastrophe Fund (FHCF): investment banking services, bank liquidity/credit support services, reinsurance intermediary services, bond counsel, tax counsel or disclosure counsel services. The information, which will be in the form of an Invitation to Negotiate “ITN” or a Request for Quote “RFQ,” depending upon the services offered, will be available on April 10, 2008, and may be obtained from the FHCF web site at www.sbafla.com/fhcf under “Announcements.” The deadline for submitting responses is 1:00 p.m. (ET), April 28, 2008. Meetings will be held on May 7-8, 2008 for the selection of finalists or final selection. On May 12, 2008, a meeting, if needed, will be held for the final selection. The SBA reserves the right to reject any or all submissions or proposals and to cancel any ITNs or RFQs. All meetings are open to the public and will be held in the Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, FL 32308. The dates and times for these meetings are shown below:

DATES AND TIMES: May 7, 2008, 3:30 p.m. (ET); May 8, 2008, 9:00 a.m. (ET); May 8, 2008, 1:00 p.m. (ET); May 12, 2008, 1:00 p.m. (ET)

Any person requiring special accommodations to participate in any meeting is asked to advise: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300, (850)413-1349, at least five (5) calendar days before the meeting.

REGIONAL PLANNING COUNCILS

Request for Proposals for Website Development

The East Central Florida Regional Planning Council (ECFRPC) seeks qualified providers to design and develop a new website for the agency. Proposals will be received until April 21, 2008. To view the complete RFP document, please

visit our website at www.ecfrpc.org and click on Job Opportunities. Contact Kimberly Loewen, operations manager, with any questions at loewen@ecfrpc.org or (407)623-1075.

**REQUEST FOR PROPOSALS FOR COMMUNITY
TRANSPORTATION COORDINATOR FOR THE
TRANSPORTATION DISADVANTAGED IN GLADES
COUNTY AND THE HENDRY COUNTY JOINT SERVICE
AREA**

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a transportation disadvantaged program in the joint service area of Glades County and Hendry County, Florida. Proposals will be received until the deadline of 4:00 p.m., Thursday, April 24, 2008, at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The selection firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2 of the Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator shall be responsible for the coordination of transportation services. The firm shall be responsible for arranging trips. Trips may be provided directly by the firm, or subcontracted out to other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2008.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on Wednesday, April 16, 2008, 10:00 a.m., at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the pre-proposal meeting will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of this document may be obtained by appearing in person or contacting: Deborah Kooi, Administrative Service Manager, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 210, Fax (239)338-2560. There may be a cost to obtain a copy of the complete document.

**REQUEST FOR PROPOSALS FOR COMMUNITY
TRANSPORTATION COORDINATOR FOR THE
TRANSPORTATION DISADVANTAGED IN LEE COUNTY**

The Southwest Florida Regional Planning Council will accept proposals from qualified agencies or firms to coordinate a transportation disadvantaged program in Lee County, Florida. Proposals will be received until the deadline of 4:00 p.m., April 24, 2008, at the offices of the Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901.

The selection firm will serve as the designated Community Transportation Coordinator for the Transportation Disadvantaged, as authorized by Chapter 427, Florida Statutes, and more fully described in Chapter 41-2 of the Florida Administrative Code. In this Request for Proposals, the designated Community Transportation Coordinator shall be responsible for the coordination of transportation services. The firm shall be responsible for arranging trips. Trips may be provided directly by the firm, or subcontracted out to other qualified transportation providers. Under this proposal, the designated community transportation coordinator shall commence coordination on July 1, 2008.

PRE-PROPOSAL MEETING: In order to review requirements of this Request for Proposals and provide answers to questions from interested agencies/firms, a non-mandatory pre-proposal meeting will be held on Wednesday, April 16, 2008, 10:00 a.m., Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901. Firms and agencies represented will have an opportunity to clarify any information contained in the request for proposals. Questions can be submitted in writing prior to the pre-proposal meeting. No statements made during the pre-proposal meeting will be considered binding changes to this solicitation unless they are subsequently issued as a written addendum to this proposal package.

Copies of this document may be obtained by appearing in person or contacting: Deborah Kooi, Administrative Service Manager, Southwest Florida Regional Planning Council, 1926 Victoria Avenue, Fort Myers, Florida 33901, (239)338-2550, ext. 210, Fax (239)338-2560. There may be a cost to obtain a copy of the complete document.

DEPARTMENT OF MANAGEMENT SERVICES

**ADVERTISEMENT FOR BIDS
FOR WATERPROOFING CONTRACTORS**

PROPOSALS ARE REQUESTED FROM QUALIFIED WATERPROOFING CONTRACTORS BY THE DEPARTMENT OF MANAGEMENT SERVICES.
PROJECT NUMBER: MSFM-25010012
PROJECT NAME: Waterproofing and Repairs of Skybridge, Hurston Regional Service Center, South Tower, Orlando, Florida

PROJECT LOCATION: Orlando, Florida
 ESTIMATED CONSTRUCTION BUDGET: \$225,000.00
 The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Department's Division of Real Estate Development and Management. For details please visit the Department's website listed below and click on "Search Advertisement – Division of Real Estate Development and Management." http://fcn.state.fl.us/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."

FLORIDA HOUSING FINANCE CORPORATION

Request for Proposal (RFP) 2008-01 for Development and Substantial Rehabilitation of Special Needs Housing

The Florida Housing Finance Corporation invites all qualified applicants that commit to construct and/or rehabilitate special needs housing in accordance with the terms and conditions of RFP 2008-01, to submit proposals for consideration. Proposals shall be accepted until 2:00 p.m., Eastern Time, on Tuesday, May 27, 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 L. Grantham at (850)488-4197 or robin.grantham@floridahousing.org. To obtain a copy of the Request for Proposals, which outlines selection criteria and applicant'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.

GAINESVILLE-ALACHUA COUNTY REGIONAL AIRPORT AUTHORITY

Taxiway B Rehabilitation and Lighting Project

The Gainesville-Alachua County Regional Airport Authority (GACRAA) is soliciting sealed bids for the rehabilitation of Taxiway B at Gainesville Regional Airport. The work shall include, demolition and removal of asphalt pavement, selective variable depth asphalt pavement milling, grading of existing and new limerock base course, P-401 bituminous asphalt paving, taxiway light and cabling installation, a new constant

current regulator, airfield electrical vault work, sodding and seeding, painting taxiway pavement markings, and other miscellaneous items.

Complete sets of bid documents are available for review or purchase beginning April 23, 2008 at the office of URS Corporation, 7650 W. Courtney Campbell Causeway, Tampa, FL 33607-1462, Attn: Mr. David E. Schmidgall, PE, phone (813)675-6561, Fax (813)636-2400.

A payment of one hundred twenty five dollars and 00/cents (\$125.00) will be required to purchase each set of the bid documents.

A mandatory pre-bid conference will be held on Wednesday, April 30, 2008, 10:00 a.m., at the Gainesville Regional Airport, Passenger Terminal Board Room, 3880 N. E. 39th Avenue, Gainesville, FL 32609. A site visit of the project areas will be conducted immediately following the pre-bid conference.

Bids must be signed by an authorized official, enclosed in a sealed envelope or package clearly marked:

"Project No. 08-003 Taxiway B Rehabilitation and Lighting Project" and mailed or delivered to the Authority's Administrative Office, Gainesville Regional Airport, Attn: Chief Executive Officer, 3880 N. E. 39th Avenue, Suite A, Gainesville, FL 32609.

Bids are due at 3:00 p.m., Tuesday, May 20, 2008, and will be publicly opened at this time. The official clock is located in the Authority's Administrative Office. Bids received after 3:00 p.m., May 20, 2008, will not be considered.

GACRAA reserves the right to reject any or all bids received in response to this Request for Bids as determined to be in the best interest of the Airport.

For additional information, contact: Mr. William R. Prange, PE, URS Corporation at (386)754-9053.

SARASOTA MEMORIAL HOSPITAL

INVITATION TO SUBMIT AND NEGOTIATE FOR PROFESSIONAL ENGINEERING SERVICES

The Sarasota County Public Hospital Board, in Sarasota, Florida, hereby invites submittals from engineering consulting firms, under the provisions of Section 287.055, F.S., for threshold inspection and materials testing for Sarasota Memorial Hospital's new Central Energy Plant, per construction plans dated January 3, 2008.

Interested firms shall submit at least the following documentation:

1. Copies of Florida professional licenses and corporate registration certificates.
2. Proof of general and professional liability insurance coverage.
3. A statement of qualifications, capabilities, adequacy of personnel, past record, experience, and whether the firm is a certified minority business enterprise.

Pricing and compensation – related information shall NOT be included in the submittal.

A complete set of plans and specifications on compact disc can be obtained at the below-referenced address on April 14, 2008, between 8:00 a.m. and 4:00 p.m., upon proof of professional licensure. Plans and specifications must be returned with the submittal.

Submittals shall be delivered in an opaque package bearing the outer label of “CENTRAL ENERGY PLANT – ENGINEERING SERVICES SUBMITTAL,” no later than 3:00 p.m. on April 21, 2008, at:

Sarasota Memorial Hospital
Architecture/Construction Office
1515 South Osprey Avenue, Building A
Sarasota, Florida 34239-3555
Attention: Mr. Ron Schofield

Submittals received after the stated date and time will not be considered and will be returned to the submitting firm.

Ranking of firms and contract negotiations will occur on April 24, 2008, 8:30 a.m., Waldemere Medical Plaza Jacaranda Room, 2nd Floor, 1921 Waldemere Street, Sarasota, FL 34239. Interested parties are invited to attend.

WEST CENTRAL FLORIDA AREA AGENCY ON AGING, INC.

REQUEST FOR INFORMATION 2009 Older Americans Act Program

The West Central Florida Area Agency on Aging, Inc. (WCFAAA) is seeking Letters of Interest and Statements of Qualification from qualified agencies and organizations interested in providing an array of supportive and nutrition services under the Older Americans Act (OAA) to older persons residing in Hardee, Highlands, Hillsborough, Manatee, and Polk Counties. Interested agencies are required to have the capability to provide service(s) throughout the entire county of interest effective January 1, 2009 through December 31, 2009. The “Request for Letters of Interest and Statements of Qualification” (RFI) process will provide WCFAAA with information concerning the availability of qualified contractors for OAA services in the planning and service area (PSA). The information received from qualified contractors will be used to determine if a full Request for Proposal (RFP) is necessary (due to interest from two or more qualified service contractors) or if a sole source procurement process will be used.

The services to be provided include: Adult Day Care, Congregate Meals, Health Support, Homemaker, Home Delivered Meals, Housing Improvement, Legal Assistance, Nutrition Counseling (Individual), Nutrition Education, Outreach, Respite (in-home and facility based), and Transportation.

The Request for Information package may be obtained beginning Friday, April 11, 2008, 9:00 a.m., West Central Florida Area Agency on Aging, or by accessing the agency’s web site: www.agingflorida.com, (click on the Information/ Provider Resources on the menu and then click on the 2009 OAA Letter of Interest link).

The Request for Information documents are due at the West Central Florida Area Agency on Aging, 5905 Breckenridge Parkway, Suite F, Tampa, Florida 33610-4239, by 3:00 p.m., April 25, 2008.

Section XII Miscellaneous

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE OF INTENT TO FIND PUBLIC SCHOOLS INTERLOCAL AGREEMENT CONSISTENT WITH SECTION 163.3177(2), FLORIDA STATUTES DCA DOCKET NO. 13-36

The Department gives notice of its intent to find the Public Schools Interlocal Agreement (“Agreement”) executed between the Miami-Dade County School Board and The City of Cutler Bay, pursuant to Section 163.31777, F.S., to be consistent with the minimum requirements of Sections 163.31777(2) and (3), F.S.

The Agreement is available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the City of Cutler Bay, Planning and Zoning Department, 10720 Caribbean Boulevard., Suite 110, Cutler Bay, Florida 33189.

Any affected person, as defined in Section 163.31777(3)(b), F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Agreement is consistent with the minimum requirements of Section 163.31777(2), F.S. The petition must be filed within twenty-one (21) days after publication of this notice in the Florida Administrative Weekly, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to Miami-Dade County School Board, Cutler Bay. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

If a formal or informal proceeding is commenced as described above, any party to that proceeding may suggest mediation under Section 120.573, F.S. Mediation is not available as of right, and will not occur unless all parties agree to participate in the mediation. Choosing mediation does not affect the right to an administrative hearing.

-s-Mike McDaniel, Chief
 Office of Comprehensive Planning
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Florida Small Cities Community Development
 Block Grant Program – Notice of Funding Availability

The Department of Community Affairs, Florida Small Cities Community Development Block Grant (CDBG) Program, announces the availability of \$1,483,365 in emergency set-aside funding for disaster recovery projects related to the March 7, 2008 tornados. Eligible applicants are those communities affected by the March 7, 2008 tornados that currently participate in the Florida Small Cities CDBG Program. These communities include the City of Lake City and Columbia County.

The emergency set-aside funding may be used for any CDBG eligible activity that is needed in order to recover from the effects of the March 7, 2008 tornados. The purpose of the funds is to fund eligible activities that address serious, urgent community needs that pose an immediate and direct threat to the health, safety and welfare of residents of low and moderate-income. The activities to be funded must be documented as being directly related to the disaster event covered in the Governor’s Executive Order Number 08-048. The amount of funds requested shall be limited to that amount necessary to address the emergency need only.

The funding must benefit low and moderate-income persons. Eligible communities that are interested in receiving funding must provide a statement of intent to apply for the funds. The statement can be transmitted to the Department by Fax (850)922-5609 or by regular mail. An application for

assistance will be forwarded to the eligible communities and must be completed and returned to the Department no later than 5:00 p.m. (EDT), April 14, 2008:

The requested information must be submitted to:
 Florida Small Cities CDBG Program
 Department of Community Affairs
 2555 Shumard Oak Boulevard
 Tallahassee, Florida 32399-2100

Federal and State requirements, including 24 CFR Part 570, Subpart I, and Rule Chapter 9B-43, Florida Administrative Code, related to the regular Florida Small Cities CDBG Program must be met. Local governments are encouraged to contact the Department if planning or administrative support is needed.

Please contact Gail Stafford, Interim Administrator of the Florida Small Cities CDBG Program, at (850)487-3644 or gail.stafford@dca.state.fl.us if you have questions or need additional information.

Any person requiring a special accommodation due to a disability or physical impairment should contact: Ms. Pat Harvey, Department of Community Affairs, (850)487-3644, at least seven days prior to the application deadline to request the accommodation. If you are hearing or speech impaired, please contact the Florida Department of Community Affairs using the Florida Dual Party Relay System, 1(800)955-8771 (TDD).

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Chandler Originals, Inc., intends to allow the establishment of Damelio & Sons, Inc. d/b/a One Stop Auto & Truck Depot, as a dealership for the sale of Chandler Originals motorcycles at 501 North Dixie Highway, Lake Worth (Palm Beach County), Florida 33461, on or after April 13, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Damelio & Sons, Inc. d/b/a One Stop Auto & Truck Depot are dealer operator(s): Michael Damelio, 501 North Dixie Highway, Lake Worth, Florida 33461; principal investor(s): Michael Damelio, 501 North Dixie Highway, Lake Worth, Florida 33461.

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: Adam J. Chandler, Chandler Originals, Inc., 1842 7th Avenue North, Lake Worth, Florida 33461.

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 Freightliner Specialty Vehicles, Inc., intends to allow the establishment of Haylo Trailers, Inc., as a dealership for the sale of Freightliner Specialty Vehicles (FREI) at 4320 West Highway 40, Ocala (Marion County), Florida 34482, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Haylo Trailers, Inc. are dealer operator(s): Nancy Wilkerson, 3255 Northwest 79 Avenue Road, Ocala, Florida 34482; principal investor(s): Nancy Wilkerson, 3255 Northwest 79th Avenue Road, Ocala, Florida 34482.

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: Brian Aneshansley, Freightliner Specialty Vehicles, Inc., 2300 South 13th Street, Clinton, Oklahoma 73601.

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 QLink, L.P., intends to allow the establishment of Izzy Custom Vehicles, Inc., as a dealership for the sale of motorcycles manufactured by Chunfeng Holding Group Co. Ltd. (CFHG) at 10173 Highway 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicles, Inc. are dealer operator(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972; principal investor(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972.

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: Johnny Tai, Vice President, QLink, L.P., 4055 Corporate Drive, Suite 200, Grapevine, Texas 76051.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

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 QLink, L.P., intends to allow the establishment of Izzy Custom Vehicles, Inc., as a dealership for the sale of motorcycles manufactured by Guangzhou Panyu Huanan

Motors (GUNG) at 10173 Highway 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicles, Inc. are dealer operator(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972; principal investor(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972.

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.

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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 QLink, L.P., intends to allow the establishment of Izzy Custom Vehicles, Inc., as a dealership for the sale of motorcycles manufactured by China Qingqi Group Co. Ltd. (QING) at 10173 Highway 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicles, Inc. are dealer operator(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972; principal investor(s): Tonyo Muniz, 10173 Highway 441 North, Okeechobee, Florida 34972.

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.

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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 Mod Cycles Corp., intends to allow the establishment of Mega Power Sports Corp., as a dealership for the sale of motorcycles manufactured by Deceste, S.A. (DECE) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mega Power Sports Corp. are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

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: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Mega Power Sports Corp., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mega Power Sports Corp. are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

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.

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A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of More than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Mod Cycles Corp., intends to allow the establishment of Mega Power Sports Corp., as a dealership for the sale of motorcycles manufactured by Zhejiang Taizhou Wangye Power Co. Ltd. (ZHEJ) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after April 1, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mega Power Sports Corp. are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

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: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point

Franchise Motor Vehicle Dealer in a County of Less than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Vectrix Corporation, intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Vectrix Electric Vehicles (VCTX) at 203 Northeast 39th Avenue, Gainesville (Alachua County), Florida 32609, on or after March 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020.

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: Jeaneen Sullivan, Vectrix Corporation, 76 Hammarlund Way, Tech III, Middletown, Rhode Island 02842.

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 Vectrix Corporation, intends to allow the establishment of Scooter Superstore of America, Inc., as a dealership for the sale of Vectrix Electric Vehicles (VCTX) at 2300 North 23rd Avenue, Hollywood (Broward County), Florida 33020, on or after March 24, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. are dealer operator(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020; principal investor(s): Peter Warrick, 2300 North 23rd Avenue, Hollywood, Florida 33020.

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: Jeaneen Sullivan, Vectrix Corporation, 76 Hammarlund Way, Tech III, Middletown, Rhode Island 02842.

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 Genuine Scooters, LLC, intends to allow the establishment of Ali J, Inc. d/b/a Freedom Power Sports, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 941 Country Club Boulevard, Unit C and D, Cape Coral (Lee County), Florida 33990, on or after March 11, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Ali J, Inc. d/b/a Freedom Power Sports are dealer operator(s): Jeffery Free, 941 Country Club Boulevard, Cape Coral, Florida 33390; principal investor(s): Jeffery Free, 941 Country Club Boulevard, Cape Coral, Florida 33390.

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: 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 Motofino USA, Inc., intends to allow the establishment of Beach Street Bikes, Inc. d/b/a Pompano Pats-Daytona, as a dealership for the sale of Motofino motorcycles (MOTF) at 910 West International Speedway Boulevard, Daytona Beach (Volusia County), Florida 32114, on or after November 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Beach Street Bikes, Inc. d/b/a Pompano Pats-Daytona are dealer operator(s): Ronald Hurtibise, 602 Princewood Drive, Deland, Florida 32114 and Patrick Johnson, 1422 Covered Bridge Drive, Deland, Florida 32724; principal investor(s): Ronald Hurtibise, 602 Princewood Drive, Deland, Florida 32114 and Patrick Johnson, 1422 Covered Bridge Drive, Deland, Florida 32724.

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: Caleb Cady, General Manager, Motofino USA, Inc., 2167 Gordon Highway, Augusta, Georgia 30909.

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 SunL Group, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of

motorcycles manufactured by Taizhou Chuanl Motorcycle Manufacturing Co. Ltd. (CHUA) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 SunL Group, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai JMSTAR Motorcycle Co. Ltd. (JMST) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 SunL Group, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by Shanghai Meitian Motorcycle Co. Ltd. (MEIT) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 SunL Group, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of motorcycles manufactured by Qingqi Group, Inc. (QING) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 SunL Group, Inc., intends to allow the establishment of Crazy Carl's, LLC, as a dealership for the sale of

motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1578 Highway 83, Defuniak Springs (Walton County), Florida 32433, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Crazy Carl's, LLC are dealer operator(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433; principal investor(s): Carl Fireman, 1578 Highway 83, Defuniak Springs, Florida 32433.

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: Mei Zhou, President, SunL Group, Inc., 8551 Esters Boulevard, Irving, Texas 75063.

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 American Lifan Industry, Inc., intends to allow the establishment of Izzy Custom Vehicles, Inc., as a dealership for the sale of motorcycles manufactured by Chongqing Lifan Industry Group (CHOL) at 10173 Highway 441 North, Okeechobee (Okeechobee County), Florida 34972, on or after March 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Izzy Custom Vehicles, Inc. are dealer operator(s): Anton Gonzalez, 10173 Highway 441 North, Okeechobee, Florida 34972; principal investor(s): Anton Gonzalez, 10173 Highway 441 North, Okeechobee, Florida 34972.

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: Peter Xie, General Manager, American Lifan Industry, Inc., 10990 Petal Street, Suite 500, Dallas, Texas 75238.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving 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 Flyscooters, LLC, intends to allow the establishment of Mega Powersports, as a dealership for the sale of motorcycles manufactured by Taizhou Zhongneng Motorcycle Co. Ltd. (BAMC) at 390 North Beach Street, Daytona Beach (Volusia County), Florida 32114, on or after March 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Mega Powersports are dealer operator(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114; principal investor(s): David Levison, 390 North Beach Street, Daytona Beach, Florida 32114.

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: Yi Yang Li, Flyscooters, LLC, 6050 Lowell Street, #111, Emeryville, California 94608.

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 Red Streak Motors, Inc., intends to allow the establishment of MX Motorsports, Inc., as a dealership for the sale of motorcycles manufactured by Shanghai Shenke Motorcycle Co. Ltd. (SHEN) at 1000 Stinson Way, Unit 115, West Palm Beach (Palm Beach County), Florida 33411, on or after March 27, 2008.

The name and address of the dealer operator(s) and principal investor(s) of MX Motorsports, Inc. are dealer operator(s): Rick Maraini, 1000 Stinson Way, Unit 115, West Palm Beach, Florida 33411; principal investor(s): Rick Maraini, 1000 Stinson Way, Unit 115, West Palm Beach, Florida 33411.

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: Beverly Fox, President, Red Streak Motors, Inc., 418 Maple Street, Marlborough, Massachusetts 01752.

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 Motofino USA, Inc., intends to allow the establishment of Navitas Financial Group, Inc. d/b/a Pompano Pats-Deland, as a dealership for the sale of Motofino motorcycles (MOTF) at 2075 South Woodland Boulevard, Deland (Volusia County), Florida 32724, on or after November 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Navitas Financial Group, Inc. d/b/a Pompano Pats-Deland are dealer operator(s): Ronald Hurtibise, 602 Princewood Drive, Deland, Florida 32114 and Patrick Johnson, 1422 Covered Bridge Drive, Deland, Florida 32724; principal investor(s): Ronald Hurtibise, 602 Princewood Drive, Deland, Florida 32114 and Patrick Johnson, 1422 Covered Bridge Drive, Deland, Florida 32724.

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: Caleb Cady, General Manager, Motofino USA, Inc., 2167 Gordon Highway, Augusta, Georgia 30909.

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 Lambretta International, LLC, intends to allow the establishment of Retro Unlimited, Inc., as a dealership for the sale of motorcycles manufactured by HerChee Industrial Co. Ltd. (HERH) at 3200 Dr. MLK Jr. Street North, St. Petersburg (Pinellas County), Florida 33704, on or after March 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Retro Unlimited, Inc. are dealer operator(s): Edward G. Dreyer, III, 3200 Dr. MLK Jr. Street North, St. Petersburg, Florida 33704 and Edward G. Dreyer, Jr., 3200 Dr. MLK Jr. Street North, St. Petersburg, Florida 33704; principal investor(s): Edward G. Dreyer, III, 3200 Dr. MLK Jr. Street North, St. Petersburg, Florida 33704 and Edward G. Dreyer, Jr., 3200 Dr. MLK Jr. Street North, St. Petersburg, Florida 33704.

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: Caroline Khurana, Lambretta International, LLC, 14339 Lake City Way Northeast, Seattle, Washington 98125.

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 Power Sports Factory, intends to allow the establishment of Retro Unlimited, Inc., as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 12930 34th Street North, Clearwater (Pinellas County), Florida 33762, on or after March 10, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Retro Unlimited, Inc. are dealer operator(s): Eddie Dreyer, 12930 34th Street North, Clearwater, Florida 33762; principal investor(s): Eddie Dreyer, 12930 34th Street North, Clearwater, Florida 33762.

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: Brett Moorer, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

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 Power Sports Factory, intends to allow the establishment of Road Power USA, LLC, as a dealership for the sale of motorcycles manufactured by Qianjiang Motorcycles Group Corp. (QINJ) at 927 North 3rd Street, Jacksonville (Duval County), Florida 32250, on or after February 21, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Road Power USA, LLC are dealer operator(s): Jim Lee, 927 North 3rd Street, Jacksonville, Florida 32250; principal investor(s): Jim Lee, 927 North 3rd Street, Jacksonville, Florida 32250.

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: Brett Moorer, Power Sports Factory, 6950 Central Highway, Pennsauken, New Jersey 08109.

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 Piaggio Group Americas, Inc., intends to allow the establishment of Scooter Superstore of America, Inc. d/b/a Aprilia Gainesville, as a dealership for the sale of Aprilia motorcycles (APRI) at 203 Northeast 39th Avenue, Gainesville (Alachua County), Florida 32609, on or after January 23, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Scooter Superstore of America, Inc. d/b/a Aprilia Gainesville are dealer operator(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601; principal investor(s): Peter Warrick, 1705 Northeast 16th Avenue, Gainesville, Florida 32601.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: 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.

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 Mod Cycles Corp., intends to allow the establishment of Vento Motorcycles Broward, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles (NING) at 2123 North State Road 7, Hollywood (Broward County), Florida 33021, on or after March 26, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Vento Motorcycles Broward, Inc. are dealer operator(s): Paul Steward, 2123 North State Road 7, Hollywood, Florida 33021; principal investor(s): Paul Steward, 2123 North State Road 7, Hollywood, Florida 33021.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS 65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving

the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes, notice is given that Genuine Scooters, LLC, intends to allow the establishment of Wala 2 Corporation d/b/a Vespa Jacksonville, as a dealership for the sale of motorcycles manufactured by Motive Power Industry Co. Ltd. (MOTI) at 1128 3rd Street North, Jacksonville Beach (Duval County), Florida 32250, on or after March 28, 2008.

The name and address of the dealer operator(s) and principal investor(s) of Wala 2 Corporation d/b/a Vespa Jacksonville are dealer operator(s): Thomas Bolc, 1128 North 3rd Street, Jacksonville Beach, Florida 32250; principal investor(s): Thomas Bolc, 1128 North 3rd Street, Jacksonville Beach, Florida 32250.

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: 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.

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

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

AGENCY FOR HEALTH CARE ADMINISTRATION

The Agency for Healthcare Administration has received an application for services exemption from Spring Hill Regional Hospital, 10461 Quality Drive, Spring Hill, FL 34609, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The services category which the exemptions are requested is: Urology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination exemption status.

Contact person: Julie Young, 2727 Mahan Drive, Tallahassee, FL 32301, (850)414-6940, youngj@ahca.myflorida.com.

The Agency for Healthcare Administration has received an application for services exemption from Oak Hill Hospital, 11375 Cortez Boulevard, Brooksville, FL 34613, pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Oral/Maxillo-facial Surgery. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS # 31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at youngj@ahca.myflorida.com.

The Agency for Healthcare Administration has received an application for services exemption from Oak Hill Hospital, 11375 Cortez Boulevard, Brooksville, FL 34613 pursuant to Section 395.1041(3), Florida Statutes and Rule 59A-3.255, Florida Administrative Code. The service category requested is Otolaryngology. Comments received within 15 days of publication will be considered by the Agency prior to making a determination of exemption status.

Additional information may be obtained by writing to: Agency for Health Care Administration, Attention: Julie Young, 2727 Mahan Drive, MS # 31, Tallahassee, Florida 32308, by phone at (850)487-2717 or by e-mail at youngj@ahca.myflorida.com.

NOTICE OF LITIGATION

The Agency for Health Care Administration has received the following petitions for administrative hearings as of the close of business on March 28, 2008, concerning certificate of need decisions. No decision has been made as to the sufficiency of these petitions. A brief description of these projects is listed below. Resolution of these requests for hearings by way of a grant or denial of their certificate of need at issue will determine the substantial interest of persons. Those persons whose substantial interest may be determined by these proceedings including settlements, grants, and denials are advised to govern themselves accordingly and may wish to exercise rights including intervention. See Chapter 120, F.S., as well as Section 408.039, F.S. and Rule 59C-1.012, F.A.C. In deference to rights of substantially affected persons, AHCA will not settle or otherwise reach a final resolution of these matters for a period of 30 days from the date of the publication.

- | CON# | INITIAL DECISION, | PROJECT, | CTY, |
|-------|--|---------------|---------------|
| | APPLICANT, | PARTY REQUEST | HEARING (PRH) |
| 9999 | Denial, establish a hospice program, Volusia County, Adventa Hospice Services of Florida, Inc., (PRH) Same as applicant | | |
| 9999 | Supports denial, establish a hospice program, Volusia County, Adventa Hospice Services of Florida, Inc., (PRH) Compassionate Care Hospice of Florida, Inc. | | |
| 9999 | Supports denial, establish a hospice program, Volusia County, Adventa Hospice Services of Florida, Inc., (PRH) Vitas Healthcare Corporation of Central Florida, Inc. | | |
| 10000 | Denial, establish a hospice program, Volusia County, Compassionate Care Hospice of Florida, Inc., (PRH) same as applicant | | |
| 10000 | Supports denial, establish a hospice program, Volusia County, Compassionate Care Hospice of Florida, Inc., (PRH) Vitas Healthcare Corporation of Central Florida, Inc. | | |
| 10001 | Supports denial, establish a hospice program County, Volusia County, Crown Hospice, Inc., (PRH) Compassionate Care Hospice of Florida, Inc. | | |

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| 10001 | Supports denial, establish a hospice program, Volusia County, Crown Hospice, Inc., (PRH) Vitas Healthcare Corporation of Central Florida, Inc. |
| 10002 | Denial, establish a hospice program, establish a hospice program, Volusia County, HCR Manor Care Services of Florida, Inc., (PRH) same as applicant |
| 10002 | Supports denial, establish a hospice program, Volusia County, HCR Manor Care Services of Florida, Inc., (PRH) Vitas Healthcare Corporation of Central Florida, Inc. |
| 10002 | Supports denial, establish a hospice program, Volusia County, HCR Manor Care Services of Florida, Inc., (PRH) Compassionate Care Hospice of Florida, Inc. |
| 10004 | Approval, establish a hospice program, Volusia County, North Central Florida Hospice, Inc., (PRH) Compassionate Care Hospice of Florida, Inc. |
| 10004 | Approval, establish a hospice program, Volusia County, North Central Florida Hospice, Inc., (PRH) Adventa Hospice Services of Florida, Inc. |
| 10004 | Approval, establish a hospice program, Volusia County, North Central Florida Hospice, Inc., (PRH) HCR Manor Care Services of Florida |
| 10004 | Approval, establish a hospice program, Volusia County, North Central Florida Hospice, Inc., (PRH) Vitas Healthcare Corporation of Central Florida, Inc. |
| 10008 | Denial, establish a 20 bed skilled nursing facility through the delicensure of 20 skilled nursing facility beds at St. Anne's, Dade County, Villa Maria Nursing & Rehabilitation Center, Inc., (PRH) same as applicant |

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 FILING OF APPLICATION FOR POWER PLANT CERTIFICATION

On April 1, 2008, the Department of Environmental Protection received an application for certification of a power plant pursuant to the Florida Electrical Power Plant Siting Act, Section 403.501 et seq., Florida Statutes, concerning Kissimmee Utility Authority, Cane Island Unit 4, Power Plant Siting Application No. 98-38A2, OGC Case No. 08-0563. The

Department is reviewing the application to allow for an approximate 300 MW expansion of the existing 410 MW (nominal) Cane Island power plant located in Osceola County. A copy of the application for certification is available for review in the office of: Michael P. Halpin, P.E., Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.507, F.S., and Chapter 62-17, Florida Administrative Code, statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a proposed certification hearing date will be announced. Pursuant to Section 403.508(3), F.S., parties to the proceeding shall include the applicant, the Public Service Commission, the Department of Community Affairs, the Fish and Wildlife Conservation Commission, the Water Management District, the Department of Environmental Protection, the Regional Planning Council, the local government, and the Department of Transportation. Any party listed in Section 403.508(3)(a), F.S., other than the Department of Environmental Protection or the applicant may waive its right to participate in these proceedings if such party fails to file a notice of its intent to be a party on or before the 90th day prior to the certification hearing. In addition, notwithstanding the provisions of Chapter 120, F.S., upon the filing with the administrative law judge of a notice of intent to be a party no later than 75 days after the application is filed, the following shall also be parties to the proceeding: any agency not listed in Section 403.508(3)(a), F.S. as to matters within its jurisdiction; any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation or natural beauty, to protect the environment, personal health, or other biological values, to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups, or to promote comprehensive planning or orderly development of the area in which the proposed electrical power plant is to be located. Other parties may include any person, including those persons listed herein who have failed to timely file a notice of intent to be a party, whose substantial interests are affected and being determined by the proceeding and who timely file a motion to intervene pursuant

to Chapter 120, F.S., and applicable rules. Intervention pursuant to this paragraph may be granted at the discretion of the designated administrative law judge and upon such conditions as he or she may prescribe any time prior to 30 days before the commencement of the certification hearing. Motions to intervene must be filed (received) with the Administrative Law Judge assigned to the case by the Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, prior to 30 days before the date of the certification hearing. Any agency, including those whose properties or works are being affected pursuant to Section 403.509(4), F.S., shall be made a party upon the request of the department or the applicant. Pursuant to Section 403.508(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

FLORIDA STATE CLEARINGHOUSE

The state is coordinating reviews of federal activities and federally funded projects as required by Section 403.061(40), F.S. A list of projects, comments deadlines and the address for providing comments are available at: <http://approd.dep.state.fl.us/clearinghouse/>. For information, call (850)245-2161. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON AN INITIAL PLAN OF EXPLORATION FOR FEDERAL WATERS OF THE CENTRAL GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy, for Lloyd Ridge Block 317, was received by the State of Florida. Proposed activities on Block 317 include drilling up to three exploration wells in approximately 9,440 feet of water located approximately 180 miles south of the nearest Florida shoreline. The plan is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47,

Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by April 28, 2008. Contact: Shana Kinsey or Debby Tucker, (850)245-2163, email: Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us. This public notice fulfills the requirements of 15 CFR 930.

NOTICE OF PUBLIC OPPORTUNITY TO COMMENT ON AN INITIAL PLAN OF EXPLORATION FOR FEDERAL WATERS OF THE CENTRAL GULF OF MEXICO PLANNING AREA

Interested persons are hereby given notice that a U.S. Department of the Interior, Minerals Management Service, Initial Plan of Exploration submitted by Murphy, for Lloyd Ridge Block 319, was received by the State of Florida. Proposed activities on Block 319 include drilling up to three exploration wells in approximately 9,620 feet of water located approximately 184 miles south of the nearest Florida shoreline.

The plan is available for inspection at the Florida Department of Environmental Protection (FDEP), Office of Intergovernmental Programs, Room 953 DA, Douglas Building, 3900 Commonwealth Boulevard, MS 47, Tallahassee, Florida 32399-3000, (850)245-2163. Written comments regarding this activity and its consistency with the Florida Coastal Management Program should be submitted to FDEP, at the address listed above, by April 30, 2008. Contact: Shana Kinsey or Debby Tucker, (850)245-2163; email address Shana.Kinsey@dep.state.fl.us or Debby.Tucker@dep.state.fl.us. This public notice fulfills the requirements of 15 CFR 930.

DEPARTMENT OF HEALTH

On March 28, 2008, 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 Sharon L. Johnston, D.O. license number OS 6913. 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.

FINANCIAL SERVICE COMMISSION

NOTICE OF FILINGS

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institution, has received the following application. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, Division of Financial Institutions, 200 East Gaines Street, Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., May 2, 2008):

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: Lafayette State Bank, Mayo, Florida
Proposed Purchaser: James A. Roberts, Gainesville, Florida
Received: March 31, 2008

Section XIII
Index to Rules Filed During Preceding Week

**RULES FILED BETWEEN March 24, 2008
 and March 28, 2008**

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Dairy Industry

5D-1.001	3/25/08	4/14/08	33/51	
5D-1.003	3/25/08	4/14/08	33/51	
5D-1.007	3/25/08	4/14/08	33/51	
5D-1.012	3/25/08	4/14/08	33/51	34/9

Division of Fruit and Vegetable Inspection

5G-6.001	3/27/08	4/16/08	33/50	
5G-6.003	3/27/08	4/16/08	33/50	
5G-6.005	3/27/08	4/16/08	33/50	
5G-6.007	3/27/08	4/16/08	33/50	34/8
5G-6.009	3/27/08	4/16/08	33/50	34/8
5G-6.011	3/27/08	4/16/08	33/50	
5G-6.013	3/27/08	4/16/08	33/50	

Division of Aquaculture

5L-1.003	3/25/08	4/14/08	34/7	
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DEPARTMENT OF EDUCATION

State Board of Education

6A-1.039	3/25/08	4/14/08	34/4	34/10
6A-1.09401	3/25/08	4/14/08	34/3	34/9
6A-1.099822	3/25/08	4/14/08	33/45	34/9

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

18-1.001	3/25/08	4/14/08	33/29	
18-1.002	3/25/08	4/14/08	33/29	33/49
18-1.003	3/25/08	4/14/08	33/29	
18-1.004	3/25/08	4/14/08	33/29	
18-1.005	3/25/08	4/14/08	33/29	
18-1.006	3/25/08	4/14/08	33/29	33/49
18-1.007	3/25/08	4/14/08	33/29	33/49
18-1.008	3/25/08	4/14/08	33/29	

Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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18-1.009	3/25/08	4/14/08	33/29	
18-1.010	3/25/08	4/14/08	33/29	
18-1.011	3/25/08	4/14/08	33/29	33/49
18-1.012	3/25/08	4/14/08	33/29	
18-1.013	3/25/08	4/14/08	33/29	33/49
18-1.014	3/25/08	4/14/08	33/29	
18-21.003	3/25/08	4/14/08	33/29	
18-21.004	3/25/08	4/14/08	33/29	33/50
18-21.010	3/25/08	4/14/08	33/29	
18-21.011	3/25/08	4/14/08	33/29	33/50
18-21.013	3/25/08	4/14/08	33/29	
18-24.005	3/25/08	4/14/08	33/22	33/49

DEPARTMENT OF CORRECTIONS

33-102.101	3/27/08	4/16/08	34/5	
33-203.601	3/24/08	4/13/08	34/7	

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

40B-2.031	3/25/08	4/14/08	34/8	
40B-2.041	3/25/08	4/14/08	34/8	

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Auctioneers

61G2-3.001	3/28/08	4/17/08	34/3	
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Construction Industry Licensing Board

61G4-18.004	3/28/08	4/17/08	34/7	
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Board of Landscape Architecture

61G10-12.001	3/24/08	4/13/08	34/8	
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Board of Accountancy

61H1-33.0035	3/24/08	4/13/08	34/8	
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DEPARTMENT OF JUVENILE JUSTICE

Division of Commitment

63E-7.013	3/24/08	4/13/08	33/49	34/8
63E-7.016	3/24/08	4/13/08	33/49	34/8